



ILLINOIS REGISTER

Rules and Regulations of Governmental Agencies

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EDITOR'S NOTESPECIAL NOTICE TO ALL AGENCIES

AS OF JANUARY 1, 1978 ALL AGENCIES CAME UNDER THE ILLINOIS ADMINISTRATIVE PROCEDURE ACT.

- A. Per the Administrative Procedure Act - Section 7.01, This is to remind all agencies that the Illinois Administrative Procedure Act mandates that all rules, including PURCHASING RULES, must be recertified as still in effect and filed with the Secretary of State, Rules & Regulations, within 60 days of January 1, 1978. Certifications made prior to January 1 are ineffective. Failure to file the new certification will result in the voiding of existing rules.
- B. ONLY the following Agencies rules have been certified with the Secretary of State (Rules & Regulations) for the year 1978. All rules listed are in their entirety unless so listed otherwise:

1. Secretary of State
2. State Treasurer
3. University Civil Services
4. Department of Corrections
5. Illinois Racing Board
6. University Retirement System
7. Illinois Educational Facilities Authority
8. Department of Agriculture
9. Health Facilities Planning Board
10. State Board of Elections
11. Comprehensive State Health Planning Agency
12. Illinois Local Government Law Enforcement Officers Training Board
13. State Emergency Services & Disaster Agency
14. Illinois Legislative Investigating Commission
15. Pollution Control Board
16. Illinois Aeronautics Board
17. Prisoner Review Board
18. Department of Mines and Minerals
19. Department of Registration and Education
20. Department of Revenue
21. Board of Ethics
22. Department of Business and Economic Development
23. State Fire Marshall

- 24. State Employees Retirement System
- 25. Dangerous Drugs
- 26. Illinois Department of Personnel
- 27. Capitol Development Board
Parts I through XI Pages 1 through 64.
(Standard Specs for Facilities for the Handicapped not included)
- 28. Dept on Aging
- 29. Teachers Retirement System
- 30. Industrial Commission
- 31. Dept of Public Health
- 32. Environmental Protection Agency
- 33. Comptroller
- 34. Civil Service Commission
- 35. Illinois Veterans Commission
- 36. Dept of Administrative Services
Property Control
- 37. Dept of Administrative Services
Travel
- 38. Dept of Administrative Services
Purchase Rules
- 39. Auditor of Public Accounts
- 40. Illinois Board of Higher Education

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DANGEROUS DRUGS COMMISSION - NOTICE OF RULEMAKING
ADOPTION OF AMENDMENTS TO RULES AND REGULATIONS
FOR DRUG ABUSE PROGRAMS

NOTICE

PLEASE TAKE NOTICE THAT on January 17, 1978 pursuant to Section 13 of The Dangerous Drug Abuse Act (Illinois Revised Statutes, Chapter 91½; Section 120.13) and Section 5 of the Illinois Administrative Procedure Act (Illinois Revised Statutes, Chapter 127; Section 1005), the Dangerous Drugs Commission of the State of Illinois formulated, issued and adopted Amendments to the Rules and Regulations for Drug Abuse Programs. Said Rules were filed with the Secretary of State contemporaneous with this Notice, and pursuant to Section 6(c) of the Illinois Administrative Procedure Act (Illinois Revised Statutes, Chapter 127, Section 1006(c)), will become effective ten (10) days after filing.

Notice of the proposed adoption of these Rules was published in the Illinois Register on September 23, 1977. In accord with that notice, the Dangerous Drugs Commission conducted full and open public hearings on the proposed Rules on September 29, 1977, in the Territorial 3 Room, Sheraton Hotel, Springfield, Illinois, and received all written submissions filed by interested parties pursuant to the notice. Before formulating, issuing and adopting said Rules, the Dangerous Drugs Commission thoroughly considered all views, comments, arguments and data either offered orally under oath at the public hearing on September 29, 1977, or submitted in writing by interested parties pursuant to the notice in the Illinois Register on September 23, 1977. The full text of said Rules is set forth hereafter.

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ARTICLE I - PROMULGATION

SECTION 2 DEFINITIONS

Rule 2.01 Terms defined

- A. As defined in these regulations, unless the context otherwise requires, the terms defined herein have the meanings ascribed to them in this section.

Abuse

See Drug Abuse.

Act

The Dangerous Drug Abuse Act, Chapter 91 1/2, Section 120.1 et seq of Illinois Revised Statutes, and the rules and regulations promulgated thereunder.

Addict

Any individual who habitually uses certain mind-altering substances or intoxicants to the point of having developed a physical dependence on them. Ability to function and make judgements may be impaired to a greater or lesser degree.

Addiction

Physical dependence upon a drug; i.e., narcotics, barbiturates, and certain tranquilizers and stimulants. Indicators of addiction are the development of tolerance to increasing amounts of the drug to gain the same effect and characteristic symptoms of physical distress during the period of withdrawal when the use of the drug is discontinued abruptly.

Admission

The process of initiating services to an individual by a drug abuse program through the specified protocols. This may entail intake (as defined in this section), screening, processing and entrance into a clinic, as well as establishment of a service regimen.

Applicant

Any person who has applied to the Commission for a license or renewal thereof.

Application

The process through which a person applies for a license or renewal as outlined in the application procedures herein.

Audit

Any systematic review, inquiry or appraisal of procedures, operations and/or records involving analyses, tests, confirmations or proofs for the purpose of determining conformity with prescribed criteria.

Auditor

A Commission representative or third party detailed to perform an audit under competent authority, acting on behalf of the Commission or for the concerned person operating a program.

Chemotherapy

The prevention, treatment or management of psychological or physical disorders by the systematic administration of chemical drugs.

Client

A consumer of some portion of services provided by a treatment network; specifically, a registered participant in a drug abuse treatment program.

Clinic

A person who provides a drug abuse treatment service at a designated location, center or facility.

Clinical Record

The record established on entry in a program and kept on every client that contains the history of the individual's association with the program. This record shall include the medical and drug history, results of the physical examinations and laboratory tests, all other assessments, treatment plans, progress notes, medication records, and all correspondence with the client.

Commission

The Illinois Dangerous Drugs Commission and its agents and representatives.

Compliance Officer(s)

Duly accredited Commission inspector(s) empowered to review records for the purpose of conducting compliance inspections pursuant to Federal and State regulations.

Contraband

Any substance, item, goods and/or materials obtained or possessed illegally. Nonprescribed intoxicants are considered contraband of themselves.

Controlled Substance

Any substance which is enumerated in: the schedules of Article II of the "Illinois Controlled Substance Act;" the schedules of Section 202 of the U.S. Public Laws 91-513, "Comprehensive Drug Abuse, Prevention and Controls Act of 1970;" the "Illinois Cannabis Control Act" enacted by the 77th General Assembly of the State of Illinois; or as amended heretofore or hereafter.

Counseling

A process based on a client/counselor relationship or group/counselor interaction for the purpose of identifying client problems and needs, setting mutually acceptable goals and interventions, exploring alternative solutions, and practicing new behaviors.

Dangerous Drugs

Any organic or synthetic substance or derivative which, when used, can result in physical and/or psychological addiction or dependence or which use may endanger the public morals, health, safety or welfare. Also means explicitly controlled substances and cannabis.

Data

Facts and information concerning administrative and operational procedures.

Day Care

See Transitional Care Program.

Dependent

Relying upon regular doses of any substance to maintain a customary level of euphoria or inhibition of anxiety.

Detoxification

Administering or dispensing a substitute drug in decreasing doses to reach a drug-free state during a period not to exceed 21 days for methadone detoxification, in order to withdraw an individual who is dependent on heroin or other morphine-like drugs from the use of these drugs. In non-opiate dependency cases, non-methadone detoxification may be accomplished by physicians, exercising their medical judgement, using dosages of an appropriate medication.

Dispensing Area

That area of the methadone treatment facility that meets minimal security criteria specifically utilized by the licensed practitioner to administer prescribed medication to program clients.

Drug Abuse

The use of a chemical substance which has mind-altering effects in a manner which interferes with one or more of the following: physical and emotional health, sound physical and emotional functioning, and educational or occupational performance.

Drug Dependence

State of reliance, either psychological, physical, or both, which may result from chronic, periodic or continuous use of a mind-altering drug or alcohol.

Drug Enforcement Administration (DEA)

United States agency responsible for enforcing Federal laws pertaining to controlled substances from a criminal jurisdiction and includes security of drug stocks.

Drug Program

Any structured activity designed to assist or restore an individual and remove any dependency on drugs by providing a variety of services, including but not limited to: counseling; medical, vocational and rehabilitative therapy; and legal assistance.

Drug Receipt Coordinator

A counselor or medical staff member designated by a drug abuse treatment program, who meets the requirements for registration to distribute controlled substances under the State Controlled Substances Act, and is approved by the Commission to receive suspected drug samples directly from a donor or inquirer for the purpose of forwarding the samples to a laboratory for analysis.

Executive Director

The Executive Director of the Illinois Dangerous Drugs Commission.

Facility

Same as Clinic.

Federal Authorities

United States agencies such as DEA, FDA, NIDA, SAODAP and/or their successor agencies.

Food and Drug Administration (FDA)

United States agency responsible for enforcing the Food, Drug and Cosmetic Act and monitoring the application of methadone.

Formal Agreement

A written contract, letter of agreement or any other document which defines the relationship between the program and another person.

Guideline

An optimal standard of practice which is encouraged but not required. Guidelines appear in italics throughout these rules and regulations.

Inpatient Program

A structured regimen within a licensed medical or psychiatric hospital where a client resides and is provided drug abuse treatment services.

Inspection

The act of: conducting interviews, record reviews, and physical observations at a program to assess the level of compliance with Federal and State rules and regulations; and performing qualitative program evaluations.

Intake

The process of collecting and evaluating information which may include medical examinations and medical, psychosocial and drug abuse histories to determine the appropriateness of admitting a prospective client into a drug abuse program.

Intervention

The provision of advertised services in response to situational problems. A program providing services which are usually short-term, problem-solving, and referral-oriented is considered to be an intervention program.

Investigation

The conducting of tests and evaluations by Commission investigators to assure compliance by applicants or licensees with the laws and regulations governing drug abuse functions licensed by the Commission.

Investigator(s)

Duly commissioned sworn personnel operating with Commission badge and credentials empowered to investigate all aspects of enforcement of the Act.

Is Recommended

A term used to indicate a method which is preferred though not mandatory.

Licensee

Any person licensed by the Commission.

Licensure

The issuance of a license by the Commission which authorizes the licensee to perform specific drug abuse services, as long as full compliance with the laws and regulations applicable to the performance of the services is maintained by the licensee.

Maintenance

The continued administering or dispensing of a recognized oral opiate substitute for heroin or other morphine-like drugs to an individual dependent on heroin, at relatively stable dosage levels for a period in excess of 21 days, in conjunction with the provision of appropriate social and medical services.

May

A term used in the interpretation of a standard, reflecting a permissible method that is recognized but not mandatory.

Modality

That specific drug abuse program identifier or classification: i.e., central intake units; methadone clinics; out-patient, drug-free centers; residential units; transitional care facilities; or research projects involving human subjects.

National Institute on Drug Abuse (NIDA)

United States agency which has as its primary function drug abuse program development by funding drug abuse programs and establishing guidelines to recipients of the Federal funds.

Office of Drug Abuse Policy (ODAP)

A Federal Executive Office established in 1977 responsible for coordinating the activities of the several Federal agencies currently involved in drug abuse law enforcement and treatment.

Paraprofessional

A non-degreed individual who is experienced and trained to perform treatment and rehabilitative functions within a program.

Patient

Same as client.

Person

Any individual, government or governmental subdivision or agency, corporation, partnership, firm, business trust, estate, organization, or association acting individually or as a group.

Program

Same as Drug Program.

Protocol

The program document(s) which details the drug abuse services and modality the applicant intends to provide.

Public Accountant

An accountant who offers services professionally to the general public.

Readmission

The act of reinitiating services to an individual who previously had been provided services by the same drug abuse program.

Regulation

The general administrative regulatory category(ies) within which the licensing process occurs and with which both State licensing officials and local programs shall comply.

Rehabilitation

The restoration of a client to the fullest physical, mental, social, vocational and economic usefulness of which the client is capable. Rehabilitation includes but is not limited to medical treatment, occupational training, job counseling, social and domestic rehabilitation, and education.

Residential Program

A 24-hour, live-in, highly structured, well-supervised environment established to maximize the impact on clients for positive change. Chemotherapeutic elements may or may not be utilized.

Rule

A specific requirement enumerated within the respective regulatory category.

Shall

A term used to indicate a mandatory statement: the only acceptable method under Commission standards.

Should

A term used in the interpretation of a standard reflecting the commonly acceptable method, yet allowing for the use of effective alternatives when the standard can be shown to be inappropriate.

Single State Authority (Agency)

The Illinois Dangerous Drugs Commission as designated pursuant to Federal rules and regulations pertaining to methadone control and Public Law 92-255.

Standard

The individual element(s) that comprises a rule (printed in bold type).

Storage Area

A safe or vault specifically utilized to store controlled substances that meets minimal Federal and State security requirements. The dispensing area is considered a storage area during the preparation of medication and throughout dispensing hours.

Street Drug Analysis

Street drug analysis is an additional primary modality for licensure by the Commission. It is nonjudgmental preventive educational drug abuse program endeavor, designed to apprise active or potential drug users with an accurate qualitative assay of substances acquired through street contact and to develop further program associations and opportunities for counseling with the persons involved. One face-to-face contact between the submitter of the sample and the drug analysis program representative is required. The necessity for a second face-to-face contact will be at the judgment of the drug analysis program representative.

Subterfuge

Any plan or action employed to conceal the true person of interest for whatever reason.

Transitional Care Program

An intensive psychosocial, vocation and supportive follow-up service which is community-based and is readily accessible to persons eligible to participate in such a program. A transitional care drug abuse program shall provide advice, counsel, technical skills, and social services to further the individual's ability to live and work in the community without additional drug abuse treatment.

- B. In the case of terms not specifically defined herein, the meanings ascribed in Webster's New World Dictionary, 2nd College Edition, or subsequent revisions shall prevail.

SECTION 3
to 10

RESERVED

Rule 11.02

Client welfare, sanctity and rights

- A. For the purpose of guaranteeing the minimal standards of care for the client, the Commission will ensure, through due process, that the administration and staffing by all persons operating under these regulations provide a safe physical and sound psychological environment conducive to a treatment regimen leading to the rehabilitation of the client.

The Commission shall take reasonable measures to protect client welfare and/or ensure continuity of treatment for clients enrolled in licensed programs by:

1. Suspending program operations immediately, without hearing, in cases involving hazard to either the public health or safety of the client: e.g., continued administration of medication in the absence of a staff physician for a period of a week or more.
 2. Assisting in the placement of clients within alternative facilities in the event of suspension or revocation of the license.
- B. Individuals enrolled as clients in treatment programs should not be employed on the clinic program staff in any capacity involving contact with other client records or treatment plans. Applications for exceptions to this rule shall be made by the program's board of directors and the program director. The application shall indicate clearly the type of work and the concomitant responsibilities to be discharged, the individual's competence and effectiveness in working in this position, and how the program's overall staffing requirements are met with this individual employee.

If there is an alternative treatment program within close proximity, the staff member shall be referred for appropriate treatment. The following shall be included in the application:

1. Name of individual.
2. Date enrolled in program and/or of conviction and/or release from incarceration.
3. Identify professional who will provide treatment.
4. Description of treatment regimen (i.e., type of supportive services, schedules of clinic visits, prognosis and date of expected termination).
5. Dosage level and pickup schedule (if applicable).
6. Skills brought to program and basis for the exception request.

-
7. Signature of program board chairman.
 8. Signature of program director.
 9. Client signature attesting authorization to release the stated information for the purpose of obtaining a waiver to Rule 11.02.
- C. All programs shall subscribe to a philosophy which allows clients the following rights:
1. To remain anonymous, even if this means no service can be given.
 2. To decline service (the delivery of service shall be non-coercive).
 3. To know at all times how and where to register complaints.
 4. To know what information about them is released and to whom.
 5. To have freedom from mental or physical abuse, and to have their civil rights respected.
 6. To receive alternate services from other organizations with or without the assistance of the program.
 7. To not be excluded from treatment on the grounds of pregnancy, provided there is documentation that necessary physical and mental health care is available.
- D. All facilities should be maintained in a clean and safe condition in accordance with appropriate federal, state and local codes and other laws; and:
1. Each facility shall be large enough to serve comfortably the number of clients it currently has or that it proposes to have in treatment.
 2. No counseling sessions shall take place in any part of the facility except in designated areas provided for counseling services. The dispensary section shall not be used for counseling services.
 3. In order to maintain privacy in counseling, specific rooms shall be identified as counseling rooms and shall not be used for any other purpose during the times counseling sessions are taking place.
 4. Appropriate space shall be provided to accommodate clients and/or families who are awaiting services.
 5. Suitable space shall be available to accommodate children that may be accompanying the clients or families awaiting services. Children of persons other than clients or families awaiting services will not be allowed in the clinic. Supervision shall be

provided to oversee the children in an area specifically identified, so that they cannot be disruptive to clinic activities. This area shall be removed from the primary dispensing station.

6. Appropriate furnishings and equipment for the program type shall be provided.

Rule 12.04 Deleted

Rule 12.05 Deleted

Rule 13.02 Continuity of client records

With client consent, copies of client's clinical records and progress evaluations shall be transferred to follow the client in the event of client relocation or transfer to another program within the State. Records and/or summary exchanges shall be initiated only after the gaining program requests the record in writing. However, necessary medical information pertaining to dosage rates and dates of enrollment may be exchanged

verbally between programs. Such information exchanged must be confirmed, in writing, no later than five (5) days after the oral communication. In the event the client objects to a record exchange, the medical record or summary shall not be forwarded.

Rule 13.03

Confidentiality of client records

- A. Records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse function authorized or assisted under any provision of the Dangerous Drug Abuse Act shall be confidential and may be disclosed only for the purposes and under the circumstances expressly authorized by part (B) of this Rule.
- B. Authorized disclosures:
 - 1. The content of any record referred to in part (A) may be disclosed in accordance with the prior written consent of the client with respect to whom such record is maintained only as follows:
 - a. To medical personnel for the purposes of diagnosis and treatment of the client;
 - b. To the client's attorney;
 - c. To governmental or private officials for the purpose of determining the client's eligibility for or entitlement to benefits related to his drug addiction or abuse;
 - d. To such extent, under such circumstances, and for such purpose as may be allowed under any rule or regulation prescribed by the Commission;
 - e. If authorized by an appropriate order of a court of competent jurisdiction granted after application showing good cause therefor. In assessing good cause, the court shall weigh the need for disclosure against the possible harm to the client, to the physician-client relationship, and to the treatment services. In granting such an order, the court shall limit disclosure to that portion of the record necessary to meet the need for the record of information and shall impose appropriate safeguards against unauthorized disclosure.
 - 2. Whether or not the client, with respect to whom any given record referred to in part (A) of this Rule is maintained, gives his written consent, the content of such record may be disclosed as follows:
 - a. To medical personnel to the extent necessary to meet a bona fide medical emergency;

- b. To qualified personnel for the purpose of conducting scientific research, management, audits, financial audits, or program evaluation, but such personnel may not identify, directly or indirectly, any individual patient in any report of such research, audit, or evaluation, or otherwise disclose patient identities in any manner;
 - c. To agents and the investigative personnel of the Dangerous Drugs Commission or appropriate Federal agencies for the purpose of conducting compliance inspections of programs operating within the purview of the Dangerous Drug Abuse Act to ensure adherence to applicable Federal and State statutes regarding, inter alia, the handling and dispensing of controlled substances.
 - d. Without consent of an incompetent client or in the case of a deceased client - The content of the client's record may be disclosed to government personnel as is required to be collected under Federal and State law. With the consent of the client's immediate family, i.e., father, mother, sister, brother, wife, son or daughter, the content of the client's record may be released to third parties. The manner in which consent is given shall be in accordance with this Rule and shall be made in writing, in the client's name, by the family member executing such consent.
3. Any disclosure authorized under part (B) of this Rule shall be limited to that part of the record necessary to satisfy the purpose for which the record is sought. A person or agency to whom the record is disclosed shall not disclose the record or any part thereof to another person or agency.
- C. No record referred to in part (A) of this Rule may be used, obtained by judicial process or otherwise, or admitted into evidence in any proceeding in order to initiate or substantiate any criminal charges against a client or to conduct any investigation of a patient. The prohibitions of this paragraph shall not be subject to waiver by any person.
 - D. The prohibitions of this Rule apply to records concerning any individual who has been a patient, regardless of whether or when he ceases to be a client.
 - E. Except as authorized under part (B) of this Rule, any person who discloses the contents of any record referred to in part (A) of this Rule shall, upon conviction, be guilty of a Class C misdemeanor.
 - F. A written notice from the Commission or its designated agents, officers and investigators shall be furnished to the program for client-identifying information to be retained by the Commission. The statement shall set forth the following:
 - 1. Description of information obtained.

2. Name and title of individual obtaining the information.
 3. Purpose for which client information is obtained.
 4. Disposition of the information - The Commission shall furnish the program a written statement upon final disposition of the record, indicating Commission compliance with this Rule.
- G. After the purpose of retaining a record identifying a client has been served, that record and all copies shall be either destroyed, sent back to the program, or retained no more than two years after the record was acquired by the Commission, whichever is earlier. Where the record is needed in connection with formal legal proceedings against the program commenced or to be commenced, the record may be retained until the termination of the proceedings.
- H. Each record retained by a program which contains client information which is the subject of this rule must be secured in a locked container and measures must be taken to preclude unauthorized access.

Rule 13.04
to 13.99

Reserved

Rule 15.02

Special reports

- A. Licensees will submit pertinent reports of significant incidents within 24 hours of discovery to the Commission, ATTN: Compliance and Enforcement Division, and additional authorities as indicated herein:
1. To DEA - Loss of or inability to account for controlled substance stocks--immediately on discovery.
 2. To local law enforcement agencies - Alleged or actual criminal activity occurring on the premises--immediately on discovery.
NOTE: Accused perpetrators may not be identified as program clients.
 3. To FDA - Any client death considered methadone-related, using form FD-1639, "Drug Experience Report"--within two weeks.
 4. To FDA - The birth of any child to a female client if the newborn is premature or shows any adverse reactions, to include withdrawal symptoms, which in the opinion of the attending physician are due to methadone, using form FD-1639, "Drug Experience Report"--within one month of the birth.
 5. To FDA - A detailed account of any adverse reactions, using form FD-1639, "Drug Experience Report"--within two weeks.
- B. Preliminary telephonic notification of significant incidents to the Compliance and Enforcement Division is desired.

Rule 41.01 Program admission

The process of initiating services to an individual shall take place as soon as possible after the individual applies to the program and shall include:

- A. A complete personal history: family, educational, vocational, medical, legal, and related areas; also a drug history, including kinds of drug used and abused, when begun, prior treatment attempts, and other related information.
- B. The identification of the individual's specific needs.
- C. The determination of treatment services most appropriate for the individual's need.
- D. The program's decision as to its capability to provide the needed services.
- E. A description of the proposed services to the individual, including alternative programs which may be geographically closer to the individual's residence or which provide a more appropriate range of service.
- F. The referral to another program or community services mutually agreed upon by the program and the individual.
- G. A physical examination when indicated by the following matrix.

Rule 41.07 Program operating manual

A program shall develop and maintain a manual of its internal operating procedures. The procedures shall be sufficiently clear to be easily understood and provide sufficient detail to accurately reflect all administrative and clinical policies of the program and shall include By-laws of the corporation, minutes, and any other rule, regulations or custom bearing on clinic operation. The manual shall be updated every six months and the staff review of the update recorded.

Rule 42.03 Client admissions, exclusions, and criteria

The admission criteria are required only for those individuals with a primary drug abuse problem other than alcohol. Such criteria shall be included in the license application submitted to the Commission. The admission criteria are applicable only to those individuals with a primary drug abuse program other than alcohol. Services to a client must be terminated whenever there is evidence that the level of services does not meet the requirements of this part or where legitimate, person-to-person services are not provided at least once per month on a regularly scheduled basis. In any case in which a decision is made that client's treatment is to be terminated or substantially changed by the program director, the client shall be given written notice of this fact and has the right to have this decision reviewed in accordance with procedures established for that purpose.

Rule 42.05 Intake physical and laboratory examination

At intake, a detailed medical history, a physical examination, and a laboratory examination shall be done for all methadone and residential treatment clients. Out-patient drug-free programs may use the review of qualified personnel of a detailed medical history to determine the need for intake physical and laboratory examinations. The program physician's determination that physical and laboratory examination is required, the parental use of any drug, and the habitual use of opiates or barbiturates administered by any route require physical and laboratory examinations. The program's medical review of a physical and laboratory examination done within the six months prior to admission by another physician which assumes the medical responsibility for the client may be substituted for the program's physical and laboratory examination by the program physician. Transitional care programs shall follow the applicable standards for methadone or drug-free intake physical and laboratory examinations.

The following matrix may be used in determining program physical and laboratory examination procedures:

PHYSICAL/LABORATORY EXAMINATION MATRIX*

	OPIATES		AMPHETAMINES		SEDATIVE/ HYPNOTICS		INHALENTS	MARIHUANA	COCAINE		HALLUCINOGENS
	Parenteral	Oral	Parenteral	Oral	Parenteral	Oral			Parenteral	Nasal	
RESIDENTIAL	L1 P1	L1 P1	L1 P1	L1 P1	L1 P1	L1 P1	L1 P1	L2** P1	L1 P1	L2** P1	L2** P1
OUTPATIENT	L1 P1	#L2 P1	L1 P1	L2 P1	L1 P1	L2 P1	L1 P1	L2 P2	L1 L1	L2 P2	L2 P2

KEY:

- L1 Mandatory laboratory testing (Tuberculin skin test may be used in lieu of a chest X-ray. However, if the tuberculin skin test is positive, then chest X-ray is required.)
- L2 Laboratory testing at discretion of physician (Tuberculin skin test may be used in lieu of a chest X-ray. However, if the tuberculin skin test is positive, then a chest X-ray is required.)
- P1 Mandatory Physical.
- P2 Physical at discretion of physician.
- * A medical history is required in all cases (applicable to every cell of the matrix).
- ** As this is a residential setting, the following laboratory tests are required: tuberculin skin test, hematocrit, and serological test for syphilis.
- # For methadone maintenance programs, laboratory testing is mandatory (L1).

NOTE:

- L1 Supplants L1 in the following instances...
 1. Outpatient heroin detoxification.
 2. Readmission (within six months) of client who had previous laboratory examinations.

Rule 42.08 Individual client treatment plan

An individual treatment plan shall be developed in conjunction with a physician for each client upon admission to treatment, and such plan shall be reviewed and redetermined by the treatment team with the client, no less than every 90 days, for methadone programs and, no less than every 60 days, for residential and transitional care programs. In out-patient drug-free programs, the treatment plan shall be developed in conjunction with a physician when this is appropriate and shall be reviewed and redetermined every 60 days. Evidence of this review shall be recorded in each client record. Every treatment plan shall include documented evidence of:

- A. A statement of short and long-term goals for treatment generated by both staff and client.
- B. The assignment of a primary counselor.
- C. A delineation of the type and frequency of counseling services to be provided.
- D. A delineation of those supportive services needed by the individual client.

Rule 42.13 Program operating manual

A program shall develop and maintain a manual of its internal operating procedures. The procedures shall be sufficiently clear to be easily understood and provide sufficient detail to accurately reflect all administrative and clinical policies of the program and shall include By-laws and minutes of the corporation and any other rule, regulations or custom bearing on the clinic's operation.

Rule 42.18 Support services and client enrollment

A. The following support services shall be made available to clients either on an in-house or a referral basis. If provided through referral, documentation of available referral services shall be provided to the Commission.

1. Psychiatric/psychological
2. Laboratory
3. Medical

Neither the program sponsor nor the hospital is required to assume financial responsibility for the client's medical care.

B. In addition to the provisions of the services listed above, all programs shall develop a plan for the provision of the following additional support services. Such a plan shall be available for Commission review and shall include appropriate agreements for the provision of these services when they are not provided by the program.

1. Education
2. Vocational Rehabilitation
3. Job development and placement
4. Financial counseling
5. Legal services
6. Recreational activities
7. Individual and group counseling for spouses, parents and/or significant others.
8. Child care

Every client enrolled in residential care for more than 60 days and every client enrolled in methadone, out-patient drug-free, or transitional care for more than 120 days shall be encouraged to enroll in either an educational or job training program or to seek gainful employment.

Rule 42.26

Minimal hours of operation

The minimal hours of operation specified below shall be maintained:

- A. Out-patient methadone - No less than seven days per week: five days per week at eight hours per day (in all cases, at least two hours per day must be outside 9:00 a.m. to 5:00 p.m.) and two days per week at four hours per day, to the end that medication services are available within the catchment area.
- B. Residential - No less than seven days per week, 24 hours per day.
- C. Transitional care - No less than six days per week, 10 hours per day.
- D. Out-patient drug-free - No less than six days per week, five days per week at eight hours per day (in all cases, at least two hours per day must be outside 9:00 a.m. to 5:00 p.m.) and one day at five hours.
- E. The specific hours of operation for all programs shall be posted. In the case of methadone maintenance programs, the hours for physician - client care and medication dispensing shall be displayed prominently and in areas common to all persons concerned.

Rule 43.07

Waiver of required drug dependency

Waiver of the requirement for evidence of current physiological dependence on narcotic drugs for regulatory mandated time periods shall be allowed only under the following circumstances:

- A. Maintenance treatment may be indicated prior to or within one week of release from a stay of one month or longer in a penal or chronic-care institution, and the individual has a predetention history of dependence upon heroin or other morphine-like drugs at least two years prior to admission to the institution.
- B. Pregnant women, regardless of age or prior addiction history, but otherwise eligible for maintenance treatment, may be placed on a maintenance regimen if the Medical Director certifies the woman to be pregnant and certifies that there exists medical justification for such treatment. Within six weeks of the termination of the pregnancy, the physician shall enter an evaluation of the client's condition into the client's record indicating whether she should remain on maintenance or be detoxified.

The attending physician shall apply, through the program, to the Commission and Federal authority for approval, detailing the basis for the exception prior to enrolling the client in any maintenance regimen. Justification for any such waiver shall be noted in the client's record.

Rule 43.14

Maintenance time limitation

Maintenance treatment using methadone shall be discontinued within two years after such treatment is begun unless, based upon medical judgment

recorded in the clinical record for the client, the client's status indicates that such treatment should be continued for a longer period of time. Any client continued on methadone for longer than two years shall be subject to periodic reconsideration for discontinuance of such treatment. In addition, detoxification from methadone maintenance treatment shall be provided to all clients who request it.

For those few clients where it is determined by a review which includes medical, clinical, and administrative input that termination detoxification is strongly indicated for administrative reasons and on-site detoxification is undesirable (i.e., violent behavior), alternative arrangement for in-patient or out-patient detoxification may be made at another facility. If such arrangements are impossible, the client's on-site detoxification will be initiated with primary consideration being given to a humane and clinically indicated regimen.

Rule 43.18 Client basic treatment facility

The client shall always report to the same treatment facility unless prior approval is obtained from the program sponsor for treatment at another program. Permission to report for treatment at the facility of another program shall be granted only in exceptional circumstances and shall be noted on the client's clinical record.

For record-keeping purposes if a client misses appointments for two weeks or more without notifying the program, the episode of care is considered terminated and so noted in the clinical record. This does not mean that the client cannot return for care. If the client does return for care and is accepted into the program, this is considered a readmission and so noted in the clinical record. This method of record-keeping helps assure the easy detection of sporadic attendance and decreases the possibility of administering inappropriate doses of methadone (e.g., the client who has received no medication for several days or more and upon return receives the usual stabilization dose). The client need not have a physical and laboratory examination if the return is within 90 days; however, the client shall be seen by the program physician prior to receiving methadone.

Rule 43.20 Clinical record criteria

In addition to the data obtained at intake processing, an adequate clinical record shall be maintained for each client. The record shall contain a copy

of the signed consent form(s), the treatment plan, the amount of methadone administered or dispensed, the results of each urinalysis, any significant physical or psychological disability, the type or rehabilitative and counseling efforts employed, an account of the client's progress, and other relevant aspects of the treatment program, including transfers to another program or terminations.

The record shall also include:

- A. Dated case entries of all contact with or concerning clients, including a record of each clinic visit in chronological order.
- B. Date and results of case conference.
- C. Quarterly progress reports, including narrative summary of the client's response to treatment during the reporting period, a medical evaluation, recommendations for future planning, and recommendations for changes in treatment, if indicated.
- D. Notes on referrals to specialized ancillary services provided including follow-up.
- E. Closing summary, including reason for termination and referral, if any. In the case of death, the cause of death shall be documented and reported to the Commission and Federal authorities. The program shall transfer the complete client record prior to or with the client's transfer.

Rule 43.21 Minimal staffing requirements

Each clinic providing a program of methadone maintenance shall have the services of:

- A. Physician - There shall be the equivalent of one full-time physician (35 hours per week) on site for every 300 clients.

Qualifications for the position shall include Illinois State licensure, specific training or direct experience in the treatment of narcotic addicts with methadone, and a well-rounded familiarity with the accepted rehabilitative modalities and/or provision for in-service orientation and education. *Exemptions to full-time physician coverage may be approved.*

- B. Clinic Administrator/Case Supervisor

There shall be at least one full-time clinic administrator/case supervisor on site for each clinic population of 300 clients or any portion thereof. Such a person shall have special training, direct and progressively responsible experience in the operation of a narcotic treatment program, or a master's degree in social work or in one of the medical sciences.

The clinic administrator shall be responsible for the ongoing supervision of administrative functions and the training of all staff in administrative and record-keeping systems of the program. The case supervisor shall be responsible for the training and supervision of all counseling staff.

In large clinics with populations in the excess of 300 clients, the functions of the clinic administrator and supervisor shall be divided between two full-time staff and a clinic supervisor, both of whom shall have specific training or direct experience in the operation of a narcotic treatment program.

In those clinics with less than 300 clients, the clinic administrator/case supervisor may assume all the above responsibilities.

- C. Nurses - There shall be no less than the equivalent of two full-time registered or licensed practical nurses on site for up to 300 clients. For clinics with over 300 clients, there shall be the equivalent of one full-time nurse for each additional 100 clients or major fraction thereof.
- D. Counselors - There shall be one full-time counselor for 50 clients. Clients shall be assigned to specific counselors. In all cases, counselors should have specialized drug abuse training or experience and should participate in a program of continuing in-service training. *The counselor should have either a bachelor's degree or high school graduation or equivalency diploma and two years or more experience as a paraprofessional rehabilitation worker. While a 1-to-50 counselor/client ratio is minimal, 1-to-30 is recommended. It is recommended that at least one counseling staff member be knowledgeable in the area of vocational rehabilitation, while an additional supportive services specialist for every 150 clients is recommended.*
- E. Physician's Assistants - Individuals licensed under the Illinois Physician's Assistants Practice Act may be used to augment or supplement physician coverage in methadone programs within the limitation prescribed by appropriate State and Federal regulations.

Rule 44.04 Admissions of clients under 18 years of age

The residential center may accept clients who are 18 years or older; if a client is under 18 years, the client's parent or legal guardian shall provide prior written consent to residential treatment is required. Programs are advised to obtain the client's written consent prior to releasing information to, or communicating with the parent or legal guardian.

Rule 44.09 Discharge linkage

The residential program shall provide appropriate assistance, when feasible, to the client in such matters as job placement, out-patient treatment, living arrangements, and resumption of educational pursuits when termination is indicated. To the maximum extent possible, the program shall utilize community resources. Documentation to provide any of these services shall be subject to review by the Commission.

Rule 44.12 Meals to be provided

Residential programs shall provide a minimum of three meals per day per client. Transitional care programs shall provide at least one meal per day to each client in attendance.

Rule 45.01 Description of services

A transitional care drug abuse service is one which shall provide partial residential services to persons who exhibit problems in psychosocial adjustment which result from or may result in the abuse of controlled substances. The program provides specific services as described below, directly or through a supportive service system.

A. A transitional program shall engage in a regimen of personal counseling, structural activities, and information regarding alternatives to drug abuse with a specific population and, while attending to the participant's concerns about control of the drug habit, shall emphasize re-entry into the general society through vocational or educational channels.

Such program shall:

1. Make available five (5) hours of structured programming per client per day.
2. Offer on a regular schedule, individual and group activities to stimulate motivation, teach coping skills, and aid the client in establishing an acceptable pattern of living.
3. Structure opportunities and provide experience to clients designed to assist them in identifying problems (which may include their drug use patterns), finding possible solutions, making decisions, and accepting personal and social responsibility.
4. Provide and/or arrange employment or educational counseling and other vocationally oriented services.
5. Develop employment and academic opportunities and improve employment skills.
6. Provide limited family counseling to improve interaction and communication.

B. Supportive services shall utilize a system of supportive services for participants (e.g., the appropriate use of community resources and the participant's personal resources; i.e., family employers, schools, health and social service agencies, and other community institutions).

Rule 48.07 Confidentiality of research subjects

Authority: The provisions of this Rule 48.07 issued under Sec. 508 (b) of the Illinois Controlled Substances Act (Ill. Rev. Stat. 1975, Ch. 56 1/2, Sec. 1508 (b)).

- (a) Any person authorized to conduct research in controlled substances under the Illinois Controlled Substances Act (Ill. Rev. Stat. 1975, Ch. 56 1/2, Sec. 1508 (c)), who intends to maintain the confidentiality of those persons who are the subjects of such research, shall upon authorization, or within a reasonable time thereafter, submit to the Executive Director, Dangerous Drugs Commission, a separate request for each research project involving controlled substances, which shall contain the following:
- (1) The researcher's authorization number for that project;
 - (2) The location of the research project;
 - (3) A general description of the research or a copy of the research protocol;
 - (4) A specific request to withhold the names and/or any other identifying characteristics of the research subjects; and
 - (5) The reasons supporting the request.
- (b) Within 30 days from the date of receipt of the request, the Executive Director shall issue a letter, either granting confidentiality, requesting additional information, or denying confidentiality, in which case the reasons for the denial shall be included. A grant of confidentiality shall be limited solely to the specific research project indicated in the request.
- (c) Within 30 days after the date of completion of the research project, the researcher shall so notify the Executive Director.
- (d) Persons who are given this authorization may protect the privacy of individuals who are the subjects of such research by withholding from all persons not connected with the conduct of the research the names and other identifying characteristics of such individuals. Persons so authorized shall not be compelled in any civil, criminal, administrative, legislative or other proceeding to identify the individuals who are the subjects of research for which the authorization was granted, except to the extent necessary to permit the Commission to determine whether the research is being conducted in accordance with the authorization.

Rule 48.08
to 48.99

Reserved

SECTION 64 STREET DRUG ANALYSIS

Rule 64.01 General

Education and prevention measures require a measure of direct audience contact and acceptance to be most effective. A useful vehicle for establishing this desired contact is the street drug analysis program, wherein inquirers can obtain reliable information concerning those substances

actually on the street and the potential consequences of using any substance without benefit of licensed practitioner supervision. Such an analysis effort can provide for:

1. The collection of valuable data concerning the extent and nature of the illicit drug market
2. The dissemination of the extent and nature of misrepresentation which may deter some persons from using and may reduce risks of use for those persons already using such substances.
3. The furnishing of laboratory reports to medical and health facilities to help prepare them to adequately diagnose and effectively treat toxic drug reactions
4. The first contact opportunity for many drug users/drug abusers with the drug abuse prevention and treatment network

A favorable approach toward developing rapport between prevention counselors and subjects-at-risk, is one which enables the prevention worker to communicate in a truthful and nonjudgmental manner; face-to-face contact is an optimal mode. Since the majority of the subjects-at-risk are relatively inexperienced and/or unsophisticated in the consequences of using drugs, the prevention counselor can become a source of enlightenment while giving assurances of maintaining inquirer anonymity. It is paramount that analysis programs maintain their prevention/education orientation and not become subverted into providing quality control services for traffickers.

Rule 64.02

Eligibility to conduct street drug analysis

To be eligible to operate a street drug analysis program, the applicant must:

- A. Be licensed in at least one of the other primary drug treatment or early intervention modalities, and
- B. Select and designate a maximum of two drug receipt coordinators, and
- C. Give evidence of cooperative agreement with a DEA registered laboratory qualified to perform requisite analytical services, and
- D. Develop and submit protocol for the handling and transporting of controlled substances that is acceptable to local law enforcement authorities and the Commission, and
- E. Give evidence of a cooperative agreement between the program, local law enforcement and prosecutorial authorities reflecting approval of the proposed street drug analysis operation.

Rule 64.03

Types of analysis

- A. Quantitative analysis may be conducted; however to prevent the possibility of dealers utilizing these labs as a quality control ONLY QUALITATIVE RESULTS MAY BE GIVEN TO THE DONER.
- B. Analysis should be sufficient to determine if dangerous adulterants are in the sample or if the strength is so great that use would be harmful

to the user. In these cases, the donor can only be told what the drug was and that use would be dangerous.

- C. Quantitative information may be released by the analytical laboratory to medical practitioners performing emergency services and to the Commission for research purposes.

Rule 64.04 Recordkeeping and reporting

Each person engaged in the receipt and analysis of anonymous samples shall:

- A. Maintain records containing the following information: (to the extent known and reasonably ascertainable)
1. Lab identification number
 2. Date sample received
 3. Purported contents and actual identification
 4. Quantity received
 5. Form of sample (i.e., powder, liquid, tablet, etc.)
 6. Description of sample
 8. Quantity utilized in analysis
 9. Street price if known
 10. Method sample received
- B. Report presence of dangerous adulterants or substances immediately to the Commission and any emergency medical treatment facility with whom they have a cooperative service agreement.
- C. Report results of each month's testing endeavor to the Commission not later than the 10th working day of the following month.
- D. Request analytical laboratories to furnish copies of their quarterly DEA reports to the Commission.
- E. Provide adequate measures to ensure that only qualitative information is disseminated to donors and quantitative reports are only distributed to persons authorized within this section.

Rule 64.05 Security

A. Physical

1. All samples received must be treated and secured as for Schedule II substances, and maintained under a continuous receipt system approved by the Commission.

2. Submitted samples must be transported to the analytical laboratory in an expeditious manner. Normally, this means that transportation should be accomplished on the date of receipt, or the next immediate laboratory working day.
3. Programs must provide a safe or other suitable steel container to store drug samples while awaiting transport to the laboratory. The storage container must be of sufficient construction as to satisfactorily guard against theft of the contents or the container itself.

B. Personnel

Drug receipt coordinators shall furnish three copies of standard fingerprint identification cards to the Commission to provide a positive identification means. The cards should be executed by the local law enforcement agency cooperating with the program in the analysis venture. An acceptable alternative to the submission of the fingerprint cards to the Commission is written certification from the local law enforcement authority that the designees satisfy the registration criteria to distribute controlled substances under the State Controlled Substances Act.

Rule 64.06 Transportation of samples

- A. The transport of samples from the program to the analytical laboratory must be accomplished by the drug receipt coordinators within specific hours and over specific routes using specific vehicles as agreed upon by the local law enforcement authority, or
- B. Via U.S. registered mail. Note: Transportation to the post office shall be as outlined in paragraph A above.
- C. Any unauthorized deviation from the transportation protocol may be grounds for administrative or criminal action on the part of appropriate authorities, including the Commission.

Rule 64.07 Disposition of samples

- A. All samples shall be delivered to the laboratory in their entirety as received by the program. Failure to deliver the entire sample as received may be grounds for administrative and/or criminal action. Destruction of samples or portions thereof by program personnel is prohibited.
- B. Post analytical destruction of samples by the laboratory must be accomplished in accordance with current Federal and State regulations.

Rule 64.08
to 64.99 Reserved

SECTION 65
to 70 RESERVED

DEPARTMENT OF REGISTRATION AND EDUCATION

NOTICE of proposed rule-making -- Adoption of Rules relating to allocation to eligible applicant facilities of funds appropriated to the Department of Registration and Education to contribute to the support of public museums in this State

NOTICE

PLEASE TAKE NOTICE THAT the Department of Registration and Education, in order to reasonably implement Section 58.37 of the Civil Administrative Code of Illinois (Ill. Rev. Stat., Ch. 127, Sec. 58.37, effective July 1, 1977) proposes to adopt rules relating to allocation to eligible applicant facilities of funds appropriated to the Department of Registration and Education to contribute to the support of public museums in this State.

DESCRIPTION OF THE SUBJECT
MATTER INCLUDED

These rules (which, if adopted, will be designated as "Rules and Regulations Promulgated for the Administration of Public Act 80-236) are organized as follows:

- RULE I. Establishment of eligibility criteria for applicant facilities.
- RULE II. Procedure for allocation of appropriated funds.
- RULE III. Procedure for application for contribution.

RULES AND REGULATIONS PROMULGATED FOR THE
ADMINISTRATION OF PUBLIC ACT 80-236

FOREWARD: For the purposes of determining eligibility of Illinois public museums, as defined in Public Act 80-236, so that such museums may qualify for support under Public Act 80-475, these Rules are promulgated:

RULE I. ESTABLISHMENT OF ELIGIBILITY CRITERIA FOR APPLICANT FACILITIES

Section 1. The unit of local government referred to in the Act is defined by Article VII, Sec.1, of the Constitution of the State of Illinois as follows:

"Units of local government means counties, municipalities, townships, special districts, and units, designated as units of local government by law, which exercise limited governmental powers or powers in respect to limited governmental subjects, but does not include school districts."

Section 2. Any facility of the kind described in Public Act 80-236 in force in the State of Illinois (hereinafter called "Act") shall be eligible for contributions to its support by the Department of Registration and Education of the State of Illinois (hereinafter called "Department") under the provisions of the Act if it establishes to the reasonable satisfaction of the Department:

- (a) That it is an organized and permanent non-profit institution;
- (b) That it has a professional staff;
- (c) That it owns, cares for or utilizes specimens (including, but not limited to, specimens of non-domesticated animals and fish), artifacts, articles, documents and other things of the kind described in the Act (hereinafter collectively called "items") for the purposes described therein; and
- (d) That it carries on, in the normal course of its operations, and on a regular schedule, with respect to such items, activities of the kind described in the Act and is open to the public on some regular schedule.

Section 3. For the purposes of these Rules:

- (a) An "organized and permanent non-profit institution" means a lawfully constituted body with expressed responsibilities which is reasonably expected by the Department to continue in perpetuity and which has delivered to the Department documentary evidence, reasonably satisfactory to the Department of its tax-exempt status under the laws of the United States of America; and
- (b) As applied to any such institution:
 - (i) The term "professional staff" means that such institution has at least one paid employee, who commands an appropriate body of special knowledge and the ability to reach museological, zoological or aquarium (whichever shall be applicable) decisions consonant with the experience of his peers, and who has access to and acquaintance with the literature of the field, and that such employee works sufficient hours to meet adequately the current demands of administration, record-keeping pertaining to provenance, identification and location of such institution's property and reasonable requirements for the security of such property and minimization of damage and deterioration.
 - (ii) The phrase "open to the public on some regular schedule" means regular and predictable hours which constitute substantially more than a token opening, so that access is reasonably convenient to the public.

RULE II. PROCEDURE FOR ALLOCATION OF APPROPRIATED FUNDS

Section 1. Any eligible applicant facility may submit an "application for contribution." The amount of financial support to public museums will be prorated among the eligible applicant facilities, subject to the total appropriation available for distribution, on the basis of the average operating expenditures (as such operating expenditures are hereinafter defined) for the two most recently completed fiscal years of the applicant facility prior to the date on which such applicant's application for contribution is filed with the Department. Procedurally, such proration shall be accomplished by dividing the operating expenditures of each applicant facility by the aggregate operating expenditures of all applicant facilities to determine the percentage of each applicant facility's

operating expenditures in relation to the aggregate operating expenditures of all applicant facilities. Such percentage figure shall be applied to the total appropriation available for distribution in order to determine, subject as hereinafter provided, the amount to be granted to each applicant facility. Final determination as to the allocation of funds available for distribution shall be made by the Director of the Department, and in no event, anything herein to the contrary notwithstanding, shall any allocation be made without the approval of such Director.

Section 2. The term "operating expenditures" is defined as actual funds expended by an applicant facility in any of its fiscal years. Such funds must have been expended for the recurring day to day operations and maintenance of such facility. The following described funds shall not be included in "operating expenditures":

(a) Capital expenditures

(Capital expenditures generally shall include, but shall not be limited to, the expenditures listed in subparagraphs (1) through (6) below:)

- (1) Planning expenses for architectural and engineering design;*
- (2) Real property;*
- (3) Buildings, additions, and/or structures (including site development and associated fixed equipment);*
- (4) Utilities - line fees, tapping fees, meter fees, all expenditures not related to normal daily consumption;*
- (5) Site improvement;*
- (6) Remodeling and/or rehabilitation (excluding routine: cleaning costs, painting costs, appearance maintenance costs).*

(b) Contributions to endowments.

(c) Contributions to escrow accounts.

(d) Contributions to similar accounts not intended for the day-to-day operations.

RULE III. PROCEDURE FOR APPLICATION FOR CONTRIBUTION

Each applicant facility seeking from the Department under Public Act 80-236 contribution to its support shall deliver to the Department five copies of the following:

1. A letter of application not later than April 15, 1978, or the 15th day of April in any year thereafter.
2. Accompanying the letter of application must be:
 - (a) Documentary evidence of the applicant institution's tax-exempt status under the laws of the United States of America;
 - (b) A detailed statement of the operating expenses of such applicant facility for such facility's two most recent fiscal years;
 - (c) Copies of the last two annual reports of such applicant facility;
 - (d) Documentary evidence that the institution is either operated by or located upon land owned by a unit of local government (e.g., enabling legislation, ordinance, charter, constitution,) and such other appropriate documentation as the Department may reasonably require; and
 - (e) A fully completed informational form under oath as set forth in Illustration I of these Rules.

NOTE: FIVE COPIES of every document listed above must be sent to the Director of the Department of Registration and Education, 628 East Adams Street, Springfield, Illinois 62786.

ILLUSTRATION IINFORMATIONAL FORM TO ACCOMPANY
APPLICATION FOR FUNDING THROUGH
PUBLIC ACT 80-236 and PUBLIC ACT 80-475

Name and Address of Applicant Institution:

(NAME)	(ADDRESS)
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(CITY)	(STATE)	(ZIP CODE)
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Telephone Number _____ FEIN # _____

Is your institution operated by a unit of local government? _____
(If so, please specify the unit of local government)Is your institution located upon land owned by a unit of local government? _____
(If so, please specify the unit of local government)Is your institution accredited by any professional association?
(If so, please specify which) _____

The Chief Administrative Officer of the applicant institution, whose signature appears below, certifies that all information submitted in support of the application for funding through Public Acts 80-236 and 80-475 is, to the best of his/her knowledge, accurate and complete and further certifies that he/she will submit a certified audit of all expenditures of funds received through these Public Acts to the Director of the Department of Registration and Education.

(Signature)

(Typed name)

Title of Chief Administrative
Officer

TIME AND MANNER IN WHICH INTERESTED
PERSONS MAY PRESENT THEIR VIEWS
CONCERNING THE PROPOSED ACTION

Notice is hereby given that all interested persons may attend a public hearing in order to present data, views, arguments or comments on the proposed Rules. Said public hearing will be held on March 24, 1978 at the Chicago Office of the Illinois Department of Registration and Education, 55 East Jackson Boulevard, 17th Floor, Chicago, Illinois 60604. All persons testifying at said public hearing must submit, on or before the date of such hearing, a complete written text of the testimony which they shall offer. All testimony received by the Department of Registration and Education will be fully considered.

NOTICE BY THE ILLINOIS POLLUTION CONTROL BOARD
OF THE PROPOSED AMENDMENT OF THE NOISE
POLLUTION REGULATIONS AS THEY
PERTAIN TO MOTOR RACING

NOTICE

PLEASE TAKE NOTICE THAT pursuant to Section 5(b), Section 25 and Sections 27-28 of "The Environmental Protection Act," Illinois Revised Statutes, Chapter 111-1/2, §§1001 et seq. (1977) the Pollution Control Board has proposed to amend the Noise Pollution Regulations, Chapter 8 of the Pollution Control Board Rules and Regulations, as they pertain to noise emitted from motor racing facilities in Illinois. The proposed regulations have been docketed PCB R75-11, Motor Racing Noise.

DESCRIPTION OF THE SUBJECT
MATTER AND ISSUES INVOLVED

The proposed Motor Racing Noise Regulations, the full text of which is set forth hereafter, amend the current Noise Pollution Regulations in the following manner:

1. Motor racing facilities are exempted from the property line noise limitations of Rules 202 through 207 of the Noise Pollution Regulations between the hours of 7:00 a.m. and 10:30 p.m.;
2. Vehicles racing at oval racing and drag racing facilities must be equipped with mufflers by specified dates, beginning with March 15, 1979, and must achieve certain decibel reductions by specified dates;

3. Motorcycles competing at motorcycle, drag and oval racing facilities must be equipped with mufflers and must meet 115 decibels on the A-weighted scale (dB(A)) measured at 50 feet from the rearmost exhaust outlet by March 15, 1979;
4. Sports car racing vehicles racing at sports car facilities must be equipped with mufflers and must meet 105 dB(A) measured at 50 feet from the lane of travel by March 15, 1979;
5. Certain vehicles, such as supercharged, sprint and midget racing vehicles, are exempted from the muffler requirements; and
6. The proposed regulations incorporate exceptions for three special motor racing events per facility per year, racing events held during county or state fairs, facilities for which there are no residential dwelling units within two miles, facilities whose sound emissions do not exceed the background sound level by more than 7 dB(A) at any residential dwelling unit, and facilities whose sound emissions comply with the octave band sound pressure levels specified in Part II of Chapter 8.

The original proposal was filed before the Board by the Illinois Environmental Protection Agency on August 11, 1975. The Agency submitted revisions to its proposal on June 9, 1976.

The Pollution Control Board held eight public hearings throughout the State and received 1,062 pages of testimony as well as 73 documentary exhibits. The principal issues covered at hearings were:

1. The level of noise emitted from motor racing facilities and the degree to which the noise is an important part of the sport;
2. The availability to motor racing facility operators of noise reduction techniques;
3. The technical feasibility of muffling motorcycle, sports car, oval and drag racing vehicles and of achieving specific decibel reductions;

4. The hour at which motor racing activities should cease in order to protect the public from sleep interference while allowing motor racing facility operators to finish their highlighted events;
5. A determination of the costs and benefits of the proposed regulations and a balancing of the two to determine the economic impact.

The last of those issues was the subject of special, separate hearings, held pursuant to P.A. 79-790, amending the Environmental Protection Act, Ill.Rev.Stat., Ch. 111-1/2, §§1001 et seq. (1977).

TIME, PLACE AND MANNER IN WHICH ALL
INTERESTED PERSONS MAY PRESENT THEIR
VIEWS CONCERNING THE PROPOSED MOTOR
RACING NOISE REGULATIONS

All interested persons are invited to submit their views concerning the proposed action by filing written comments with the Clerk of the Board at the following address:

ILLINOIS POLLUTION CONTROL BOARD
309 W. Washington Street
Room 300
Chicago, Illinois 60606

Comments may be filed either in person or by mail. A draft Opinion detailing the Board's reasoning in proposing adoption of these regulations is available at the Board's Office as are the transcripts and exhibits which comprise the record in this matter. All comments, Motions or other documents should be filed within 45 days of the date of publication of this issue of the Illinois Register. The Board's Offices are open from 8:30 a.m. to 5:00 p.m., except for weekends and State holidays.

COMPLETE TEXT OF THE PROPOSED
AMENDMENTS TO POLLUTION CONTROL
BOARD NOISE POLLUTION REGULATIONS
AS THEY PERTAIN TO MOTOR RACING
NOISE FOLLOWS HEREAFTER:

PROPOSED AMENDMENTS TO POLLUTION CONTROL BOARD
NOISE POLLUTION REGULATIONS AS THEY PERTAIN TO
MOTOR RACING NOISE

Amend Rule 101 by adding the fully underlined definitions as follows:

Rule 101: DEFINITIONS

EXCEPT AS HEREINAFTER STATED AND UNLESS A DIFFERENT MEANING OF A TERM IS CLEAR FROM ITS CONTEXT, THE DEFINITIONS OF TERMS USED IN THIS CHAPTER SHALL BE THE SAME AS THOSE USED IN THE ENVIRONMENTAL PROTECTION ACT.

ALL DEFINITIONS OF ACOUSTICAL TERMINOLOGY SHALL BE IN CONFORMANCE WITH THOSE CONTAINED IN ANSI S1.1 - 1960 "ACOUSTICAL TERMINOLOGY."

AHRA: American Hot Rod Association or its successor body.

ANSI: American National Standards Institute or its successor bodies.

Antique vehicle: a motor vehicle that is more than 25 years of age or a bona fide replica thereof and which is driven on the highways only going to and returning from an antique auto show or an exhibition or for servicing or demonstration, or a fire-fighting vehicle more than 20 years old which is not used as fire-fighting equipment but is used only for the purpose of exhibition or demonstration.

Background Sound Level: The A-weighted sound level, measured in accordance with the procedures specified in Rule 103, which is exceeded 90 percent of the time during the period of observation, during which sounds from motor racing facilities are inaudible. The period of observation need not necessarily be contiguous; however, the period of observation must be at least of 10 minutes duration.

Bus: every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons; and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Construction: on-site erection, fabrication, installation, alteration, demolition or removal of any structure, facility, or addition thereto, including all related activities, including, but not restricted to, clearing of land, earth-moving, blasting and landscaping.

Daytime hours: 7:00 a.m. to 10:00 p.m., local time.

dB(A): sound level in decibels determined by the A-weighting of a sound level meter.

Dealer: every person engaged in the business of selling vehicles to persons who purchase such vehicles for purposes other than resale, and who has an established place of business for such activity in this state.

Decibel (dB): a unit of measure, on a logarithmic scale to the base 10, of the ratio of the magnitude of a particular sound pressure to a standard reference pressure, which, for purposes of this Chapter, shall be 20 micronewtons per square meter (N/m²).

Drag racing: Any acceleration contest between two racing vehicles racing from a standing start over a precisely measured, straight line course.

Drag racing facility: Any motor racing facility upon which is conducted drag racing.

Drag racing vehicle: Any racing vehicle which is participating in a drag race at a drag racing facility.

Exhaust system: the system comprised of a combination of components which provides for the enclosed flow of exhaust gas from engine parts to the atmosphere.

Existing motor racing facility: Any motor racing facility, the construction of which commenced prior to the effective date of this Part.

Existing property-line-noise-source: any property-line-noise-source, the construction or establishment of which commenced prior to the effective date of this Chapter. For the purposes of this sub-section, any property-line-noise-source whose A, B or C land use classification changes, on or after the effective date of this Chapter, shall not be considered an existing property-line-noise-source.

Farm Tractor: every motor vehicle designed and used primarily as a farm implement for drawing wagons, plows, mowing machines and other implements of husbandry, and every implement of husbandry which is self propelled (sic).

Fast meter response: as specified by American National Standards Institute in document S1.4-1971, or subsequent revisions.

Gross Vehicle Weight (GVW): the maximum loaded weight for which a motor vehicle is registered or, for vehicles not so registered, the value specified by the manufacturer as the loaded weight of the vehicle.

Highway: the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

IHRA: International Hot Rod Association or its successor body.

Impulsive sound: either a single pressure peak or a single burst (multiple pressure peaks) for a duration less than one second.

Midget Racing Vehicle: a front engine, single seat, open-wheel racing car smaller and of lesser engine displacement than standard cars of the type.

Motorcycle: every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor.

Motorcycle racing: any racing event between two or more motorcycles.

Motorcycle racing facility: any motor racing facility upon which is conducted motorcycle racing, except oval racing facilities or drag racing facilities.

Motor driven cycle: every motorcycle, motor scooter, or bicycle with motor attached, with less than 150 cubic centimeter piston displacement.

Motor racing facility: any facility or course upon which is conducted motor racing activities or events.

Motor vehicle: every vehicle which is self-propelled and any combination of vehicles which are propelled or drawn by a vehicle which is self-propelled.

Muffler: a device for abating the sounds of escaping gases of an internal combustion engine.

New motor vehicle: a motor vehicle the equitable or legal title to which has never passed to a person who purchases it for purposes other than resale.

New property-line-noise-source: any property-line-noise-source, the establishment of which commenced on or after the effective date of this Chapter.

New motor racing facility: any motor racing facility, the construction of which commenced on or after the effective date of this Part.

NHRA: National Hot Rod Association or its successor body.

Nighttime hours: 10:00 p.m. to 7:00 a.m., local time.

Noise Pollution: the emission of sound that unreasonably interferes with the enjoyment of life or with any lawful business or activity.

Octave band sound pressure level: the sound pressure level for the sound being measured contained within the specified octave band. The reference pressure is 20 micronewtons per square meter.

Oval racing: any contest between two or more racing vehicles on a closed or oval racing surface.

Oval racing facility: any motor racing facility, upon which is conducted oval racing.

Oval racing vehicle: any racing vehicle which is participating in an oval race at an oval racing facility.

Passenger car: a motor vehicle designed for the carrying of not more than ten persons, including a multi-purpose passenger vehicle, except any motor vehicle of the second division as defined in I.R.S. Ch. 95-1/2, Section 1-146, and except any motorcycle or motor driven cycle.

Person: any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof or any legal successor, representative, agent or agency of the foregoing.

Preferred frequencies: those frequencies in Hertz preferred for acoustical measurements which, for the purposes of this Chapter, consist of the following set of values: 20, 25, 31.5, 40, 50, 63, 80, 100, 125, 160, 200, 250, 315, 400, 500, 630, 800, 1000, 1250, 1600, 2000, 2500, 3150, 4000, 5000, 6300, 8000, 10,000, 12,500.

Prominent discrete tone: sound, having a one-third octave band sound pressure level which, when measured in a one-third octave band at the preferred frequencies, exceeds the arithmetic average of the sound pressure levels of the two adjacent one-third octave bands on either side of such one-third octave band by: (a) 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive.

Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;

(b) 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or;

(c) 15 dB for such one-third octave band with a center frequency from 25 Hertz to 125 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

Property-line-noise-source: any equipment or facility, or combination thereof, which operates within any land used as specified by Rule 201 of this Chapter. Such equipment or facility, or combination thereof, must be capable of emitting sound beyond the property line of the land on which operated.

Racing vehicle: Every self-propelled device, in, upon or by which any person may be transported and which is participating in a motor racing activity or event at a motor racing facility.

Registered: a vehicle is registered when a current registration certificate or certificates and registration plates have been issued for it under the laws of any state pertaining to the registration of vehicles.

Residential dwelling unit: all land used as specified by SLUCM Codes 110 through 190 and those portions of land used as specified by SLUCM Code 6741 used for sleeping.

SLUCM: the Standard Land Use Coding Manual (1969, United States Government Printing Office) which designates land activities by means of numerical codes.

Snowmobile: a self-propelled device designed for travel on snow or ice or natural terrain steered by skis or runners, and supported in part by skis, belts, or cleats.

Sound: an oscillation in pressure in air.

Sound level: in decibels, a weighted sound pressure level, determined by the use of metering characteristics and frequency weightings specified in ANSI S1.4 - 1971 "Specification for Sound Level Meters."

Sound pressure level: in decibels, 20 times the logarithm to the base 10 of the ratio of the magnitude of a particular sound pressure to the standard reference pressure. The standard reference pressure is 20 micronewtons per square meter.

Special mobile equipment: every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: ditch digging apparatus, well boring (sic) apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, levelling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and drag lines, and self-propelled cranes and other earth-moving equipment.

Special-motor-racing-event: any motor racing event held on two consecutive days or less in which a substantial number of out-of-state motor racing vehicles are competing and which has been designated as such a special-motor-racing-event by the owner or operator of the motor racing facility.

Sports car: any automobile which meets the requirements and specifications of the General Competition Rules of the Sports Car Club of America, or its successor body, or any other sports car organization.

Sports car racing: any competitive event involving one or more sports cars.

Sports car racing facility: any motor racing facility upon which is conducted sports car racing.

Sports car racing vehicles: any racing vehicle which is participating in a sports car race at a sports car racing facility.

Sprint racing vehicle: a front-engined open wheel racing car used especially on short dirt tracks.

Supercharged racing vehicle: a racing vehicle equipped with a blower or compressor for increasing the volume air charge of an internal combustion engine over that which would be drawn in through the pumping action of the pistons.

Tactical military vehicle: every vehicle operated by any federal or state military organization and designed for use in field operations, but not including vehicles such as staff cars and personnel carriers designed primarily for normal highway use.

Unregulated safety relief valve: a safety relief valve used and designed to be actuated by high pressure in the pipe or vessel to which it is connected and which is used and designed to prevent explosion or other hazardous reaction from pressure build-up, rather than being used and designed as a process pressure blowdown.

Used motor vehicle: a motor vehicle that is not a new motor vehicle.

Vehicle: every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

Amend Rule 103 by adding paragraph (d) as follows:

Rule 103: MEASUREMENT PROCEDURES

(a) Procedures Applicable to All of Chapter 8

The Agency may adopt procedures which set forth criteria for the measurement of sound. Such procedures shall be in substantial conformity with standards and recommended practices established by the American National Standards Institute, Inc. (ANSI) or the Society of Automotive Engineers, Inc. (SAE), and the latest revisions thereof, including ANSI S1.1-1960, ANSI S1.8-1969, ANSI S1.2-1962, and SAE J-184. Such procedures shall be revised from time to time to reflect current engineering judgment and advances in noise measurement techniques. Such procedures, and revisions, thereof, shall not become effective until filed with the Index Division of the Office of the Secretary of State as required by "An Act Concerning Administrative Rules," Ill.Rev.Stat.1975, Ch. 127 par.266, approved June 14, 1951, as amended.

(b) Procedures Applicable only to Part 2 of Chapter 8

Measurement procedures to determine whether emissions of sound comply with Part 2 shall be in substantial conformity with ANSI S1.6-1967, ANSI S1.4-1971--Type I Precision, ANSI S1.11-1966, and ANSI S1.13-1971 Field Method.

(c) Procedures Applicable only to Part 3 of Chapter 8

- (1) Measurement procedures to determine whether emissions of sound comply with Rules 310-313 of Part 3 shall be in substantial conformity with ANSI S1.4-1971--Type I Precision or Type II General Purpose, and ANSI S1.13-1971 Field Method, provided that procedures for measurement under Rule 313 shall be in substantial conformity with those established by the U.S. Department of Transportation pursuant to Section 18 of the Federal Noise Control Act of 1972.
- (2) The Agency may provide for measurement at distances other than the 50 feet specified in Rules 310 through 313, provided that correction factors are applied so that the sound levels so determined are substantially equivalent to those measured at 50 feet and the measurement distance does not exceed 100 feet. The correction factors used shall be consistent with California Highway Patrol Sound Measurement Procedures HPH 83.1 (October 1, 1973, as amended November 29, 1975).

(d) Procedures Applicable only to Part 5 of Chapter 8

1. Measurement procedures for Part 5 shall be in substantial conformity with ANSI S1.4-1971--Type 1 Precision or Type 2 General Purpose and ANSI S1.13-1971 Field Method.
2. The Agency may provide for measuring sound emissions at distances other than 50 feet specified in Rule 514 of Part 5, provided that correction factors are applied so that the sound levels so determined are substantially equivalent to those measured at 50 feet.

Amend Rule 201 as follows:

Rule 201: CLASSIFICATION OF LAND ACCORDING TO USE

(a) Class A Land

Class A land shall include all land used as specified by SLUCM Codes 110 through 190 inclusive, 651, 674, 681 through 683 inclusive, 691, 711, 762, 7121, 7122, 7123 and 921.

(b) Class B Land

Class B Land shall include all land used as specified by SLUCM Codes 397, 471 through 479 inclusive, 511 through 599 inclusive, 611 through 649 inclusive, 652 through 673 inclusive, 675, 692, 699, 7124, 7129, 719, 721, 722 except 7223 ~~used-for-automobile-and-motor-cycle-racing~~, 723 through 761 inclusive except 7311 ~~used-for-automobiles-and-motorecycle-racing~~, 769 through 790 inclusive, and 922.

(c) Class C Land

Class C land shall include all land used as specified by SLUCM Codes 211 through 299 inclusive, 311 through 396 inclusive, 399, 411 except 4111, 412 except 4121, 421, 422, 429, 441, 449, 460, 481 through 499 inclusive, 7223 and 7311 used for automobile and motorcycle racing, and 811 through 890 inclusive.

(d) A parcel or tract of land used as specified by SLUCM Code 81, 83, 91, or 922, when adjacent to Class B or C land may be classified similarly by action of a municipal government having zoning jurisdiction over such land. Notwithstanding any subsequent changes in actual land use, land so classified shall retain such B or C classification until the municipal government removes the classification adopted by it.

Amend Rule 208 as follows:

Rule 208: EXCEPTIONS

(a) Rules 202 through 207 inclusive shall not apply to sound emitted from land used as specified by SLUCM Codes 110, 140, 190, 691, 7311 ~~except-as-used-for-automobile-and-motorecycle-racing~~, and 742 except 7424 and 7425.

(b) Rules 202 through 297 inclusive shall not apply to sound emitted from emergency warning devices and unregulated safety relief valves.

- (c) Rules 202 through 207 inclusive shall not apply to sound emitted from lawn care maintenance equipment and agricultural field machinery used during daytime hours. For the purposes of this sub-section, grain dryers operated off the farm shall not be considered agricultural field machinery.
- (d) Rules 202 through 207 inclusive shall not apply to sound emitted from equipment being used for construction.
- (e) Rule 203 shall not apply to sound emitted from existing property-line-noise-sources during nighttime hours, provided, however, that sound emitted from such existing property-line-noise-sources shall be governed during nighttime hours by the limits specified in Rule 202.
- (f) Rules 202 through 207 inclusive shall not apply to the operation of any vehicle registered for highway use while such vehicle is being operated within any land used as specified by Rule 201 of this Chapter in the course of ingress to or egress from a highway.
- (g) Rules 202 through 207 inclusive shall not apply to sound emitted from land used as specified by SLUCM Codes 7223 and 7311 when used for automobile and motorcycle racing; and, any land used for contests, rallies, time trials, test runs or similar operations of any self-propelled device, and upon or by which any person or property is or may be transported or drawn, when such self-propelled device is actually being used for sport or recreation and is actually participating in an activity or event organized, regulated, and supervised under the sponsorship and sanction of a club, organization or corporation having national or statewide recognition; PROVIDED, however, that the exceptions granted in this Rule 208(g) shall not apply to automobile and motorcycle racing, contests, rallies, time trials, test runs or similar operations of any self-propelled device if such activity is conducted between the hours of 10:30 p.m. to 7:00 a.m., local time.

Add the following new Part 5 to Chapter 8:

PART 5: RULES AND REGULATIONS FOR THE CONTROL OF NOISE FROM MOTOR RACING FACILITIES

Rule 501: Motor Racing Facilities--Operational Procedures

The owner or operator of a motor racing facility shall reduce

noise emissions from the public address system by using noise abatement methods and operational changes--for example, by reducing the volume of the loudspeaker system, by increasing the number of speakers so that the volume of individual speakers can be further reduced, and by relocating and redirecting the speakers away from residential property.

Rule 502: Motor Racing Facilities--Racing Vehicles without Mufflers

No person shall cause or allow the use or operation of any motor racing vehicle that does not require a muffler in accordance with this Part in any motor racing event started after 10:30 p.m. local time on any particular day.

Rule 503: Drag Racing Facilities--Muffler Requirements

- (a) No person shall cause or allow the use or operation of any drag racing vehicle equipped with a normally aspirated gasoline burning engine at a drag racing facility unless such drag racing vehicle is equipped with a well-maintained and properly installed muffler. Except for any motorcycle used as a drag racing vehicle, all mufflers required in accordance with this Rule 503(a) shall meet the requirements specified in Rule 503(b) of this Part.
- (b) Except for any motorcycle used as a drag racing vehicle, all mufflers required in accordance with Rule 503(a) of this Part shall have noise reducing characteristics which will produce a reduction in total vehicle noise of at least the amount listed in Table 1 when such drag racing vehicle is operated in a manner simulating wide-open throttle competition. Such noise reduction shall be determined by using measurement procedures specified in Rule 103 of this Chapter.

Table 1. Total Vehicle Noise Reduction Requirements
for Mufflers Installed on Drag Racing Vehicles
(Except Motorcycles) During Wide-open
Throttle Acceleration Run

<u>Type of Drag Racing Vehicle</u>	<u>Date</u>	<u>Total Vehicle Noise Reduction, dB</u>
Group A	On and after March 15, 1979	Muffler only
Group A	On and after March 15, 1980	10 dB

<u>Type of Drag Racing Vehicle</u>	<u>Date</u>	<u>Total Vehicle Noise Reduction, dB</u>
Group A	On and after March 15, 1983	14 dB
Group B	On and after March 15, 1980	Muffler only
Group B	On and after March 15, 1981	10 dB
Group B	On and after March 15, 1983	14 dB
Group C	On and after March 15, 1981	Muffler only
Group C	On and after March 15, 1982	10 dB
Group C	On and after March 15, 1983	14 dB

Notes: 1) Group A includes all drag racing vehicles in the NHRA classes of ET Bracket, Stock and Super Stock; the IHRA classes of ET Bracket, Stock and Super Stock; the AHRA classes of Selectra, Stock, Super Street and Super Stock; and all other similar drag racing vehicles.

2) Group B includes all drag racing vehicles in the NHRA class of Modified; the IHRA class of Super Modified; the AHRA class of Modified/Street; and all other similar drag racing vehicles.

3) Group C includes all drag racing vehicles in the NHRA classes of Competition and Pro Stock; the IHRA classes of Super Comp and Pro Stock; the AHRA classes of Top Competition and Pro Stock; and all other similar drag racing vehicles.

Rule 504: Drag Racing Facilities--Sound Level Measurement Requirement

- (a) The sound emissions from each drag racing vehicle required to have a muffler in accordance with Rule 503 of this Part must be measured before competing in terms of A-weighted sound levels using sound level meters in conformance with ANSI Standards S1.4 Type 1 or Type 2 requirements and using procedures specified in Rule 103 of this Chapter. All sound level measurements must be made with the microphone one-half meter from the exhaust outlet with the engine gear-box in neutral at an engine speed of 4000 rpm. It shall be the responsibility of the drag racing facility's owners or operators, or designated agent, to measure and record the required sound level data. Upon reasonable request, the owner or operator shall make such recorded sound level data available to the Agency. The owner and operator must keep such recorded sound level data for the duration of the racing season.

- (b) The Agency shall publish techniques for determining compliance with Rule 503 under static test conditions.
- (c) On and after March 15, 1979, before any motorcycle racing vehicle required to have a muffler in accordance with Rule 503 of this Part competes at a drag racing facility, the noise emissions from such motorcycle racing vehicle must be measured in terms of A-weighted sound levels using sound level meters in conformance with ANSI Standards S1.4 Type 1 or Type 2 requirements and using procedures specified in Rule 103 of this Chapter. The microphone shall be located one-half meter from and in the horizontal plane of the rearmost exhaust outlet at an angle of 45 degrees behind the exhaust outlet and from the normal line of travel of the motorcycle. The engine shall be run with the gear-box in neutral at an engine speed equal to one-half of the manufacturer's-recommended-maximum-engine-speed. If no manufacturer's-recommended-maximum-engine-speed is published for a particular motorcycle, then an engine speed equal to 60 percent of the engine speed at which maximum horsepower is developed shall be used. If no manufacturer's-recommended-maximum-engine-speed is published, then the engine speed during the sound level measurement shall be calculated from either of the following formulae:

$$\text{Engine Speed} = \frac{306,000}{\text{stroke in millimeters}}$$

OR

$$\text{Engine Speed} = \frac{12,000}{\text{stroke in inches}}$$

Rule 505: Drag Racing Facilities--Sound Emission Limits

On and after March 15, 1979, no person shall cause or allow the use or operation of any motorcycle racing vehicle required to have a muffler in accordance with Rule 503 of this Part whose sound emissions exceed 115 db(A) when measured in accordance with Rule 504 of this Part and when measured one-half meter from the rearmost exhaust outlet.

Rule 506: Oval Racing Facilities--Muffler Requirements

- (a) Except as provided in Rule 506(b) of this Part, no person shall cause or allow the use or operation of any oval racing vehicle at an oval racing facility unless such oval racing vehicle is equipped with a well-maintained and properly installed muffler. Except for any motorcycle used as an oval racing vehicle, all mufflers required in accordance with this

Rule 506(a) shall meet the requirements specified in Rule 506 (c) of this Part.

(b) The following oval racing vehicles shall not require a muffler in accordance with Rule 506(a) of this Part:

1. Sprint racing vehicles;
2. Midget racing vehicles;
3. Supercharged oval racing vehicles.

(c) Except for any motorcycle used as an oval racing vehicle, all mufflers required in accordance with Rules 507(a) of this Part shall have noise reducing characteristics which will produce a reduction in total vehicle noise of at least the amount listed in Table 2 when such oval racing vehicle is operated in a manner simulating wide-open throttle competition. Such noise reduction shall be determined by using measurement procedures specified in Rule 103 of this Chapter.

Table 2. Wide-open Throttle Noise Reduction Requirements
for Mufflers installed on Oval Racing Vehicles
(Except Motorcycles)

<u>Date</u>	<u>Muffler Noise Reduction Requirement, dB</u>
On and after March 15, 1979	Muffler only
On and after March 15, 1980	10 dB
On and after March 15, 1982	16 dB

Rule 507: Oval Racing Facilities--Sound Level Measurement Requirements

- (a) The requirements for measuring noise emissions from oval racing vehicles, other than motorcycles used as oval racing vehicles, shall be identical to those specified under Rule 504(a) of this Part for drag racing vehicles.
- (b) The Agency shall publish techniques for determining compliance with Rule 506 under static test conditions.
- (c) The requirements for measuring noise emissions from motorcycle racing vehicles competing at oval racing facilities shall be identical to those specified under Rule 504(c) for motorcycle racing vehicles competing at drag racing facilities.

Rule 508: Oval Racing Facilities--Sound Emission Limits

No person shall cause or allow the use or operation of any motorcycle racing vehicle required to have a muffler in accordance with Rule 506 of this Part whose sound emissions exceed 115 dB(A) when measured in accordance with Rule 507 of this Part and when measured one-half meter from the rearmost exhaust outlet.

Rule 509: Sports Car Racing Facilities--Muffler Requirements

(a) Except as provided in Rule 509(b) of this Part, on and after March 15, 1979, no person shall cause or allow the use or operation of any sports car racing vehicle competing at a sports car racing facility unless such sports car racing vehicle is equipped with a well-maintained and properly installed muffler.

(b) The following sports car racing vehicles shall not require a muffler in accordance with Rule 509(a) of this Part:

All sports car racing vehicles which are supercharged.

Rule 510: Sports Car Racing Facilities--Sound Level Measurement Requirements

During all qualifying runs, noise emissions from each sports car racing vehicle required to have a muffler in accordance with Rule 509 of this Part, must be measured in terms of A-weighted sound levels using sound level meters in conformance with ANSI Standards S1.4 Type 1 or Type 2 requirements and using procedures specified in Rule 103 of this Chapter. All measurements must consistently be made at the same measurement site; provided, however, that such measurement site can be changed if necessitated by good faith circumstances making the use of the first measurement site impossible or impractical. It shall be the responsibility of the sports car racing facility's owners or operators, or designated agent, to measure and record the required sound level data. Upon reasonable request, the owner or operator shall make such recorded sound level data available to the Agency. The owner and operator must keep such recorded sound level data for the duration of the racing season.

Rule 511: Sports Car Racing Facilities--Sound Emission Limits

No person shall cause or allow the use or operation of any sports car racing vehicle required to have a muffler in accordance

with Rule 509 of this Part whose sound emissions while accelerating, as measured in accordance with Rule 510, exceed 105 dB(A) when measured 50 feet from the center of the lane of travel of such sports car racing vehicle while accelerating on the track.

Rule 512: Motorcycle Racing Facilities--Muffler Requirements

(a) Except as provided in Rule 512(b) of this Part, on and after March 15, 1979, no person shall cause or allow the use or operation of any motorcycle racing vehicle competing at a motorcycle racing facility unless such motorcycle racing vehicle is equipped with a well-maintained and properly installed muffler.

(b) The following motorcycle racing vehicles shall not require a muffler in accordance with Rule 512(a) of this Part:

Supercharged motorcycle racing vehicles.

Rule 513: Motorcycle Racing Facilities--Sound Level Measurement Requirements

The requirements for measuring noise emissions from motorcycle racing vehicles competing at motorcycle racing facilities shall be identical to those specified under Rule 504(c) for motorcycle racing vehicles competing at drag racing facilities.

Rule 514: Motorcycle Racing Facilities--Sound Emission Limits

No person shall cause or allow the use or operation of any motorcycle racing vehicle required to have a muffler in accordance with Rule 512 of this Part whose sound emissions exceed 115 dB(A) when measured in accordance with Rule 513 of this Part and when measured one-half meter from the rearmost exhaust outlet.

Rule 515: Exceptions

(a) Rules 503 through 514 shall not apply to any special-motor-racing-events, provided that not more than three special-motor-racing-events are conducted at any motor racing facility during any calendar year. The owner or operator of any motor racing facility which is conducting a special-motor-racing-event must previously notify the local public that a special-motor-racing-event will be conducted.

- (b) Rules 503 through 514 shall not apply to motor racing facilities which conduct motor racing events on fewer than five days per calendar year.
- (c) Rules 503 through 514 shall not apply to fairground motor racing facilities during motor racing events held in conjunction with a state or county fair.
- (d) Rules 502 through 514 shall not apply if there are no residential dwelling units within two miles of such motor racing facility's racing surface.
- (e) Rules 502 through 514 shall not apply to any motor racing facility whose sound emissions do not at any time exceed the background sound level by more than 7 dB(A) at any residential dwelling unit.
- (f) Rules 502 through 514 shall not apply to any existing motor racing facility whose sound emissions do not at any time exceed the allowable octave band sound pressure levels specified in Table 1 or Rule 202 of Part 2 of this Chapter when measured at any point within any receiving Class A land.
- (g) Rules 502 through 514 shall not apply to any new motor racing facility whose sound emissions do not exceed at any time during daytime hours the allowable octave band sound pressure levels specified in Table 1 of Rule 202 of Part 2 of this Chapter or at any time during the nighttime hours the allowable octave band sound pressure levels specified in Table 2 of Rule 203 of Part 2 of this Chapter when measured at any point within any receiving Class A land.

Rule 516: Compliance Dates for Part 5

- (a) Every owner or operator of an existing motor racing facility shall comply with the requirements of Part 5 of this Chapter 90 days after the effective date of this Part.
- (b) Every owner or operator of a new motor racing facility shall comply with the requirements of Part 5 of this Chapter when motor racing activities commence at such new motor racing facility.

Board of Trustees
TEACHERS' RETIREMENT SYSTEM
of the
State of Illinois

The Board of Trustees, Teachers' Retirement System of the State of Illinois, proposes to adopt Rules duly approved September 9, 1977 and prior thereto, as authorized in Article 16-168, Chapter 108 $\frac{1}{2}$, Illinois Revised Statutes.

If any interested persons wish to present their views concerning this intended action, they may do so by sending written comments to the attention of: Mr. Roy A. Baker, Director, Teachers' Retirement System, 450 Iles Park Place, Springfield, Illinois 62706. The Teachers' Retirement System will consider all written comments received by this agency within 45 days beginning on the date of publication of this notice.

The text of the proposed rules is as follows:

Board of Trustees
TEACHERS' RETIREMENT SYSTEM
of the
State of Illinois

RULES

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Board of Trustees
TEACHERS' RETIREMENT SYSTEM
of the
State of Illinois

RULES

Article I. Reports by Board of Trustees

Sec. 1. Annual Financial Report. An annual financial report shall be published at the end of each fiscal year. The fiscal year shall date from July 1 of one year through June 30 of the following year. The report shall contain the financial statements of the System at fiscal year end and other pertinent financial and statistical information relating to the operation of the System. The report shall be printed and made available to members, public officials, and other interested parties.

Article II. Expenditures

The President and the Director shall be authorized to issue vouchers in payment of securities and other necessary current obligations in the interim period between meetings of the Board, subject to presentation of same to the Board at its official meeting, and final approval of the Board, subsequent to issuance of such voucher.

Article III. Basic Records and Accounts

Sec. 1. Membership Records. Every contributor shall be required to execute a membership record and other documents with respect to his date and place of birth, periods of creditable service, beneficiary, and any other such data as are necessary to the effective operation of the System.

Sec. 2. Claims Records. All claims received by the Board for annuities, benefits, and refunds shall be properly recorded with respect to type of claim, dates of consideration and disposition by the Board, amounts paid, and other facts material to the disposition of the claim.

Sec. 3. Individual Accounts. A separate account shall be established and maintained for each contributor showing the amounts of contributions and other pertinent data in such form as prescribed by modern accounting principles, and in relationship to valuation data for the actuary,

and for other statistical requirements.

Sec. 4. Ledger and Account Books. There shall be established and maintained ledgers and books of account that accurately reflect all income and disbursements of the System, and all investments and other financial data in accordance with recognized and modern accounting standards and techniques.

Sec. 5. Statistics. Such other records as the Board deems necessary to provide required data for the annual actuarial valuations, periodic actuarial studies, or statistical analyses shall be maintained.

Sec. 6. Protection and Reproduction of Records. For the protection of members, annuitants, and their beneficiaries, the Board, its Executive Director, agents and employees are prohibited from disclosing the contents of a member's, annuitant's, or beneficiary's files, records, and papers, or communications relating to individual members, annuitants, and beneficiaries, except for purposes directly connected with the administration of the Teachers' Retirement System. The proceedings of the Board and reports of participating school districts and other employers shall be public records open to inspection.

For the administration of the System, any records kept by the Board may be photographed, microfilmed or otherwise reproduced on film. The photographs, microfilm and reproductions shall be deemed original records and documents for all purposes, including introduction in evidence before all courts and administrative agencies.

Article IV. Filing of Claims

Sec. 1. Superannuation Retirement or Disability. Any contributor claiming a retirement allowance or disability benefit shall file an application therefor in the form prescribed by the Board. This application, together with the membership record, a verified report of all service credits claimed by the applicant, and such other information as may have been compiled by the System during the membership of the contributor or submitted by the applicant shall constitute the complete record of the applicant, forming the basis of the claim.

Should a disabled member's claim be approved for payment and such member have an election in connection with the payment, such election must be exercised and filed with the Board within 120 days after issuance. Failure to comply within the deadline may jeopardize benefits for the period prior to receipt of the election.

Sec. 2. Reclassification of Disability Claim. If a disability claim is classified as "Permanent" and the member, within two years of commencement of disability, resumes teaching on a regular basis in which participation in this System is mandatory and teaches for at least the equivalent of one semester without undue absence because of the same disability, the member may request reconsideration of the claim for possible reclassification as "Temporary." If so reclassified, payment will be adjusted retroactively to the statutory effective date.

Sec. 3. Medical Examinations. Periodic examinations of a disability beneficiary shall be made by licensed physicians. Except as otherwise provided in the law, the frequency of such examinations and their scope shall be governed by the individual circumstances and the specific conditions of each case.

Investigating services may, at the discretion of the Board, be employed from time to time to determine the employment capacity and condition of the member. The expense of such investigating services shall be paid by the System.

Sec. 4. Refunds. Any contributor or beneficiary thereof eligible to receive a refund of contributions shall, if he so elects, make a written request therefor upon a form prescribed by the Board. A request for such refund shall not be considered valid unless the termination of employment of the participant is presumably permanent.

Sec. 5. Death Benefits. A contributor may designate a beneficiary or beneficiaries to receive the death benefits provided by the System, and may designate a contingent beneficiary or beneficiaries to receive such benefits in the event of the death of the primary beneficiary or beneficiaries prior to the death of the contributor.

Any person claiming a benefit on account of the death of a contributor shall file with the Board a written application therefor on a form prescribed by the Board. In all such cases, the application shall be accompanied by a certified copy of the death certificate, other public record of such death, or a physician's certificate. Where an inquest is held, the Board may require a certified copy of the record of such inquest. Any person or persons applying for a death benefit shall, when requested by the Board, furnish such proof of identification or heirship as the Board may require.

Any election offered a dependent beneficiary under the provisions of the Survivor Benefit Program shall be executed and filed with the Board within 120 days after issuance. Failure to comply

within the deadline may jeopardize benefits for the period prior to receipt of the election.

Sec. 6. Proof of Age. Whenever proof of age is required by the System and persuasive evidence of the date of birth is not available, a birth certificate shall be required.

Sec. 7. Proof of Dependency. For the purposes of the reversionary annuity provided in Article 16-136 of the Illinois Pension Code, the term "dependent" shall include a spouse, child or parent of the retiring member, if designated by the retiring member, without further proof of dependency. If an individual other than a spouse, child or parent is designated by the retiring member, the retiring member must furnish the Board with satisfactory proof that the retiring member provided a substantial contribution to the support of the designated individual during the 12 calendar months immediately preceding retirement.

Article V. Membership and Service Credits

Sec. 1. Effective Date of Membership. The effective date of membership in the System shall be the date of employment by the Board of Education or other qualifying employer, as recorded in the official proceedings of such board of education, institution, or qualified employer.

In the absence of a record of the date of employment in the official proceedings of the qualifying employing agency, the date of membership shall be the first payroll day for which deductions were made by the governing agency; and further provided that such beginning date does not conflict with non-creditable summer school service.

Sec. 2. Method of Recording Service Credits. No more than one year's service credit shall be granted for total service rendered between July 1 of one year through June 30 of the following year.

If the service rendered by a full-time teacher is less than 170 days in a regular school term, then credit for teaching service shall be at a ratio of the actual number of full days taught to the number of days in the legal school term.

Sec. 3. Duplicate Service Credit. Out-of-state credit will be denied those members who elect to receive or have received a monthly retirement allowance based on the same service used for pension purposes in another public, statutory retirement system.

When it is established that a retired member has used service credited in this System for pension purposes in another public, statutory retirement system, the duplicated credit will be removed from his record in this System, and his retirement allowance will be reduced accordingly.

Article VI. Contribution Credits and Payments

Sec. 1. Refunds for Concurrent Service and Dual Employment. In the event contributions to the System are made in error for service rendered concurrently with employment covered by another public employee pension system in Illinois, a refund of such contributions shall be made.

If a member contributes to the System for out-of-state teaching service, but is unable to claim all of this service at the date of retirement, then a refund of contributions (except survivor benefit contribution) for such excess out-of-state service shall be paid to the member.

Sec. 2. Interest on Deficiencies. Compound interest may be charged at the lawful rate on deficiencies due to error or other irregularities in deductions from salary by the Board of Education or other qualifying employing agencies.

Sec. 3. Installment Payments. Members may make installment payments on their indebtedness to the System provided payments are made either for the full amount or in installments of not less than \$100.

Sec. 4. Small Deficiencies or Credits. No bills or refunds shall be issued to teachers for deficiencies or credits amounting to less than \$10. Such amounts shall be carried in the teachers' account for adjustment at an appropriate time, or when a claim for a benefit is considered.

Article VII. Rules Governing Beneficiaries

A "beneficiary" is any person in receipt of an annuity, pension, retirement allowance or other benefit provided under this System, or granted under any superseded retirement fund or system.
(Sec. 16-111.)

Sec. 1. Re-entry into Service. Beneficiaries returning to service under the provisions of 16-150, Illinois Pension Code, and who on subsequent retirement

were subject to but did not acquire the necessary three years' contributing service; (1) are entitled to pensions at rates or according to formulas in force at the date of their previous retirement, plus additional credit if such credit constitutes at least one creditable year; (2) are required to repay any pension benefits received if resumption of teaching occurs sooner than the expiration of one complete school semester in the school district in which the member last taught, but exclusive of summer months or the intervening period between the closing of one school term and the beginning of the following school term. Wherein retirement is due to disability, an exception is provided by this section.

Sec. 2. Suspension of Retirement Allowances. Beneficiaries receiving a retirement allowance may be employed as teachers by governing boards of education not in excess of 75 days or 375 hours within any one school term. Employment in excess of 75 days or 375 hours within any one school term shall result in termination of payment. When such employment has terminated, the member may re-apply for retirement allowance to be payable effective on the day following termination of employment.

Any beneficiary may have his benefit reduced or terminated upon written request provided, however, that the System shall not be liable for the retroactive payment of a reduced or terminated benefit during the period of time such benefit remains reduced or terminated as the result of the beneficiary's request. Such beneficiary may have his benefit increased or reinstated in full upon written request. Such increase will take effect the first of the month following the date the written request is received in the System's office.

Monthly benefit payments to beneficiaries shall be suspended when two monthly warrants remain uncashed. However, these and subsequent payments shall be made upon learning the circumstances or whereabouts of the warrants, or upon prompt compliance in cashing same.

Sec. 3. Power of Attorney. Any beneficiary receiving a monthly benefit through payment to his attorney in fact acting under a power of attorney shall be required to notify the System in writing that such power of attorney is in full force and effect, when reasonably requested to do so by the System. In default of such notice, payment to the attorney in fact shall be suspended until notice is received, whereupon payments will be resumed from the date of the last payment.

Sec. 4. Incompetency. Any legally appointed conservator or guardian receiving benefits for a beneficiary adjudged incompetent shall be required to furnish

a court certification that the appointment is in force and effect, when reasonably requested to do so by the System. In default of such notice, payment shall be suspended until satisfactory certification is received, whereupon payments will be resumed from the date of the last payment.

Sec. 5. Retired Beneficiary Presumed Deceased. Whenever any beneficiary has been so out of communication with the System that the fact of his being alive cannot be ascertained, he shall be presumed to be dead. In the event this presumption of death shall be removed by proof that he is alive, benefits shall be resumed from the date of the last payment.

Sec. 6. Benefits Payable on Death. Survivor insurance benefits, if applicable, shall be paid in accordance with the law in effect on the date of the death of the annuitant. If money is due the beneficiary at the time of death, and there is no will and no administration of the estate is desired or required, then, upon satisfactory proof of death, the System may make payment of the claim to the surviving spouse upon receipt of certification from the spouse that the estate will not be administered. If there is no surviving spouse and no administration of the estate, payment of the claim may be made to the next of kin through the use of an indemnifying bond, without other security if for sums of less than \$200. If for more than \$200, some security may be required on such bond. If administration is required, payment shall be made to the legal representative of the estate.

Sec. 7. Survivors' Benefits. In the event a survivor's benefit payment is reduced to meet the dollar limitations of Section 16-141 of the Illinois Pension Code, the widow or widower's portion of the total benefit shall be 30% of the decedent's average salary subject to the dollar maximum in Section 16-141, and the payment on account of a child or children shall be the excess over the widow or widower's portion of the total payment.

Sec. 8. Evidence of Eligibility. Beneficiaries receiving monthly benefits shall furnish evidence of eligibility to receive such benefits when reasonably requested to do so by the System. Failure to do so will result in suspension of payments until satisfactory evidence of eligibility is received, whereupon payments will be resumed from the date of the last payment.

Article VIII. Attorney Generals' Opinions

All opinions of attorney generals which have not become obsolescent to subsequent amendments to the Act shall be considered additional rules and regulations.

Article IX. Amendments to Bylaws and Rules

The Bylaws and Rules may be altered or amended by a majority vote of all members of the Board of Trustees provided such alterations or amendments shall not be inconsistent with all provisions of the law, and provided further that notice of any proposed alteration or amendment shall be given each member of the Board of Trustees by the Director at least ten days prior to the regular or special meeting at which the amendment is to be considered.

Article X. Rules of Order

The rules of parliamentary practice contained in "Robert's Rules of Order," latest edition, shall govern the business before the Board of Trustees provided they are not inconsistent with the Bylaws or Rules of the Board.

ILLINOIS DEPARTMENT OF PUBLIC HEALTHNOTICE

of the proposed revision to Rule 4.10 of the Rules For Processing Applications For Permit Filed By Hospitals - Revised effective July, 1977 which was promulgated pursuant to Section 12 of the Illinois Health Facilities Planning Act (Chapter 111½, Paragraphs 1151-1167 of the Illinois Revised Statutes).

The proposed revision will change Rule 4.10.3 regarding classification of non-reviewable projects by deleting the existing sub-section (B) which will lower the monetary threshold of non-reviewable modernization projects from the lesser; \$300,000 or 5% of the annual operating revenue of the facility for the most recent fiscal year or the most recent year for which audited data is available, to the newest statutory amount of \$150,000. The existing sub-section (C) will become the new sub-section (B). A complete text of the proposed changes follows.

On January 6, 1978, the Illinois Health Facilities Planning Board voted the proposed revision to Rule 4.10 of the Rules For Processing Applications For Permit Filed By Hospitals - Revised effective July, 1977 to Public Hearings. Public Hearings on this rule are scheduled for the following times, dates and locations:

3:00 p.m. and 7:00 p.m. on Tuesday, March 28, 1978 on the 17th Floor of the State of Illinois Department of Registration and Education Building, located at 55 East Jackson Street in Chicago, Illinois; and

7:00 p.m. on Wednesday, March 29, 1978 in the Auditorium of the State of Illinois Department of Transportation Building, located at 2300 South Dirksen Parkway in Springfield, Illinois.

Interested persons may appear at these Public Hearings and present either oral or written comments and views on this proposal. In addition, comments may be submitted in writing to George A. Lindsley, M.P.H., Executive Secretary of the Illinois Health Facilities Planning Board, Division of Planning and Conformance, Illinois Department of Public Health, 525 West Jefferson Street, Springfield, Illinois 62761, prior to March 28, 1978.

4.10

DEFINITION OF CLASSIFICATIONS4.10.1 Reviewable Projects

Reviewable projects are construction or modification projects of proposed or existing facilities providing or which intend to provide categories of service inventoried in Rule 3 and those subject to review under Rule 9 of the State Board. All projects are classified reviewable unless they are non-reviewable or emergency projects.

4.10.2 Emergency Projects

Emergency projects are construction or modification projects which are necessary because there exists a condition which creates an imminent threat to the structural integrity of the building; or affects the safe operation and functioning of its mechanical, electrical, or comparable systems; or affects fire safety; or other situation which in the judgment of the Executive Secretary with concurrence of the Chairman or his designee constitutes an emergency.

4.10.3 Non-Reviewable Projects

Non-reviewable projects are all or portions of construction, modernization or modification projects which are:

(A) Any construction or modification project of hospitals to which Rule 3 does not apply.

~~(B) Any construction or modification project for modernization (with respect to that portion which is for modernization) which has an estimated total project cost of over \$100,000 but under the lesser of \$300,000 or 5% of the annual operating revenue of the facility for the most recent fiscal year or the most recent year for which audited data is available. ("Total annual operating revenue" shall be reported from Medicare Form SSA-2552, Worksheet C-3, line 1, or successor, where available.)~~

~~Notwithstanding the foregoing, such application may be classified reviewable by the State Board when it finds that the applicant hospital, within a 12 month period either prior to the receipt of the subject application and/or following receipt of such, has had, or intends to have, modernization projects which, in terms of physical location and construction, are in or contiguous to areas of the hospital affected by the subject project; or with respect to equipment, is of the same general classification~~

~~as to its clinical, administrative or other use and are, therefore, considered to form one program of modernization for which the total costs would exceed the above levels of cost for non-reviewable classification.~~

~~In making its judgments under the preceding paragraph, the State Board will consider information supplied by the applicant to establish that the subject project is, in fact, a discrete project of modernization. Information may be supplied from the hospital's institutional master plan and other sources to support this position.~~

(B)

~~(C)~~

Applications for permit for construction or modification projects of health care facilities subject to this rule and to rule 3 which would otherwise be reviewable under the Act and rule 3 shall be classified non-reviewable and a permit issued when the Executive Secretary finds, and the Chairman concurs, that the project is a project the sole purpose of which is to correct a non-compliance with code requirements of a governmental unit that could result in revocation of license and/or other action that would result in closure of the facility if such non-compliance were not corrected.

The applicant has the burden of proof, which shall include, but not necessarily be limited to the following:

- (a) to identify the applicable code requirement and the non-compliance,
- (b) to identify the governmental unit having authority to enforce the requirement,
- (c) to prove that the governmental unit could revoke the license and/or take other action which would result in the closure of the facility if the non-compliance were not corrected--documented by a letter from the responsible authority of the governmental unit, and
- (d) to prove that the sole purpose and entire scope and content of the proposed project is to correct the non-compliance with the code requirement which is cited.

This requirement must be met by construction or modification within the existing building and/or its fixed equipment or by the construction of an addition to the existing building; except, in the latter case, the applicant must prove:

- (a) that it is not architecturally, structurally, or functionally feasible to correct the non-compliance by construction or modification within the existing building, or
- (b) that it is more costly to do so, taking into account immediate construction costs, long-term depreciation costs and interest costs where capital financing includes borrowing, and projected comparative maintenance and staffing costs where such are relevant.

This non-reviewable classification shall not be granted where the project results in replacement of the existing building on the same or a different site or the occupancy of a building which was not a part of the licensed facility.

ILLINOIS DEPARTMENT OF PUBLIC HEALTHNOTICE

Of the proposed revision to Rule 3.03.C of The Illinois Health Care Facilities Plan - 3rd Edition which was promulgated pursuant to Section 12 of the Illinois Health Facilities Planning Act (Chapter 111½, Paragraphs 1151-1167 of the Illinois Revised Statutes).

The proposed revision will change Rule 3.03.C.03 regarding classification of nonreviewable projects by deleting the existing subsection (B) which will lower the monetary threshold of nonreviewable modernization projects from \$300,000 or 5% of the annual operating revenue of the facility for the most recent fiscal year or the most recent year for which audited data is available (whichever is the lesser) to the newest statutory amount of \$150,000. The existing subsection (c) will become the new subsection (B). A complete text of the proposed changes follows.

On January 6, 1978, the Illinois Health Facilities Planning Board voted the proposed revision to Rule 3.03.C of The Illinois Health Care Facilities Plan - 3rd Edition to Public Hearings. Public Hearings on this rule are scheduled for the following times, dates and locations:

3:00 p.m. and 7:00 p.m. on Tuesday, March 28, 1978, on the 17th Floor of the State of Illinois, Department of Registration and Education Building, located at 55 East Jackson Street in Chicago, Illinois; and

7:00 p.m. on Wednesday, March 29, 1978, in the Auditorium of the State of Illinois Department of Transportation Building, located at 2300 South Dirksen Parkway in Springfield, Illinois.

Interested persons may appear at these Public Hearings and present either oral or written comments and views on this proposal. In addition, comments may be submitted in writing to George A. Lindsley, M.P.H., Executive Secretary of the Illinois Health Facilities Planning Board, Division of Planning and Conformance, Illinois Department of Public Health, 525 West Jefferson Street, Springfield, Illinois 62761, prior to March 28, 1978.

3.03.C DEFINITION OF CLASSIFICATIONS

3.03.C.01 Reviewable Projects Reviewable projects are all or portions of construction or modification projects of proposed or existing facilities providing or which intend to provide categories of service inventoried in this Plan. All projects are classified reviewable unless they are non-reviewable or emergency projects.

3.03.C.02 Emergency Projects Emergency projects are construction or modification projects which are necessary because there exists a condition which creates an imminent threat to the structural integrity of the building; or affects the safe operation and functioning of its mechanical, electrical, or comparable systems; or affects fire safety; or other situation which in the judgment of the Executive Secretary with concurrence of the Chairman or his designee constitutes an emergency.

3.03.C.03 Non-Reviewable Projects Non-reviewable projects are all or portions of construction, modernization or modification projects which are:

- (A) Any construction or modification project of hospitals to which this Plan does not apply. These types of projects include:

Emergency department
Administration department
Parking facilities
Gift shops and newsstands
Restaurants and snackbars
Outpatient and clinic departments
Personnel facilities
Chapels
Physicians and staff offices
Auditoriums
Telephone systems
Security departments

The word "department", as used herein is a generic term and includes other terminology such as units, services, suites, etc.

- ~~(B) Any construction or modification project for modernization (with respect to that portion which is for modernization) which has an estimated total project cost of over \$100,000 but under the lesser of \$300,000 or 5% of the annual operating revenue of the facility for the most recent fiscal year or the most recent year for which audited data is available. ("Total annual~~

~~operating revenue" shall be reported from Medicare Form SSA-2552, Worksheet 6-3, line 1, or successor, where available.)~~

~~Notwithstanding the foregoing, such application may be classified reviewable by the State Board when it finds that the applicant hospital, within a 12 month period either prior to the receipt of the subject application and/or following receipt of such, has had, or intends to have, modernization projects which, in terms of physical location and construction, are in or contiguous to areas of the hospital affected by the subject project; or, with respect to equipment, is of the same general classification as to its clinical, administrative or other use and are, therefore, considered to form one program of modernization for which the total costs would exceed the above levels of cost for non-reviewable classification.~~

~~In making its judgments under the preceding paragraph, the State Board will consider information supplied by the applicant to establish that the subject project is, in fact, a discrete project of modernization. Information may be supplied from the hospital's institutional master plan and other sources to support this position.~~

(B)

- ~~(C)~~ Any construction or modification project the sole purpose and entire scope and content of which is to correct a non-compliance with code requirements of a governmental unit that could result in revocation of license and/or other action that would result in closure of the facility if such non-compliance were not corrected.

The applicant has the burden of proof, which shall include, but not necessarily be limited to the following:

- (1) to identify the applicable code requirement and the non-compliance,
- (2) to identify the governmental unit having authority to enforce the requirement,
- (3) to prove that the governmental unit could revoke the license and/or take other action which would result in the closure of the facility if the non-compliance were not corrected--documented by a letter from the responsible authority of the governmental unit, and

- (4) to prove that the sole purpose and entire scope and content of the proposed project is to correct the non-compliance with the code requirement which is cited.

This requirement must be met by construction or modification within the existing building and/or its fixed equipment or by the construction of an addition to the existing building; except, in the latter case, the applicant must prove:

- (1) that it is not architecturally, structurally, or functionally feasible to correct the non-compliance by construction or modification within the existing building, or
- (2) that it is more costly to do so, taking into account immediate construction costs, long-term depreciation costs and interest costs where capital financing includes borrowing, and projected comparative maintenance and staffing costs where such are relevant.

This non-reviewable classification shall not be granted where the project results in replacement of the existing building on the same or a different site or the occupancy of a building which was not a part of the licensed facility.

LEGISLATIVE TRAVEL CONTROL BOARD

NOTICE OF EMERGENCY RULEMAKING

CHANGES IN LODGING, IN THE PER DIEM, AND MEAL RATES
TRAVEL REGULATIONS FOR LEGISLATIVE EMPLOYEES

AGENCY: Legislative Travel Control Board

SUBJECT: Amendments to Regulations 6.1, 7.1, 7.3, and 7.5 of the "Travel Regulations for Legislative Employees" to increase lodging, per diem, and meal allowances.

APPLICATION: This rulemaking affects all employees of the Legislative Branch and all persons who travel subject to the "Travel Regulations for Legislative Employees."

STATUTORY AUTHORIZATION: Section 12-5 of "An Act in Relation to State Finance", approved June 10, 1919, as amended (Ill.Rev.Stat., 1975, Ch. 127, § 148-5).

EFFECTIVE DATE: Upon filing.

DESCRIPTION OF EMERGENCY

The need for filing the foregoing regulations as emergency regulations is to:

- (a) minimize the confusion which has occurred as a result of the publication of the Board's decision to raise lodging, per diem and meal rates; and
- (b) effectuate the benefits of this decision as quickly as possible.

SUMMARY AND PURPOSE OF EMERGENCY REGULATIONS

These emergency regulations make the following changes in the "Travel Regulations for Legislative Employees":

- (a) Lodging rates are increased as follows:

Downstate (All areas of the state outside the Chicago Metropolitan Area) is raised from \$16.50 to \$19.00 plus tax.

Chicago Metropolitan Area (includes the counties of Cook, Will, DuPage, Kane, McHenry, and Lake) is raised from \$19.00 to \$25.00 plus tax.

Out-of-State New York or Washington is raised from \$28.00 to \$32.00 plus tax.

All other Out-of-State rates remain unchanged at \$28.00.

(b) Meal reimbursement rates are increased as follows:

Breakfast is raised from \$1.75 to \$2.50.

Lunch is raised from \$2.25 to \$3.00.

Dinner is raised from \$6.00 to \$7.50.

(c) Per diem rates are increased from \$12.00 to \$14.00 per day.

Approved and publication authorized this 16th day of February, A.D., 1978.


ROBERT G. CRONSON, Chairman
Legislative Travel Control Board

THE COMPLETE AMENDED TEXT OF THESE EMERGENCY
REGULATIONS START ON THE NEXT PAGE

LEGISLATIVE TRAVEL CONTROL BOARD

TEXT OF EMERGENCY RULE

The following is the complete, amended text of Regulations 6.1, 7.1, 7.3, and 7.5, as described in the foregoing "Notice of Emergency Rulemaking" approved by the Legislative Travel Control Board and dealing with changes in lodging, per diem, and meal rates.

Regulation 6.1 of the "Travel Regulations for Legislative Employees" is amended to read as follows:

- 6.1 At Various Locations -- Actual costs excluding tips and room service, not to exceed the following maximums:

The Chicago Metropolitan Area - ~~\$19.00~~ \$25.00 Plus Tax

includes the counties of Cook,
Will, DuPage, Kane, McHenry
and Lake.

All Other Areas of the State - \$19.00 Plus Tax

Large-Metropolitan-Cities--

Peoria	\$19.00	Plus-Tax
Springfield	\$16.50	Plus-Tax
Rock-Island/Moline/Galesburg	\$16.50	--Plus-Tax
Collinsville/East-Moline/		
Edwardsville	\$16.50	Plus-Tax
All-Other-Areas	\$15.00	Plus-Tax

Out-of-State Travel - \$28.00 Plus Tax

New York City or Washington, D.C. \$32.00 Plus Tax

Receipts are to be submitted with travel vouchers to support expenses claimed.

Regulation 7.1 of the "Travel Regulations for Legislative Employees" is amended to read as follows:

- 7.1 Meal Allowance -- For travel of less than 18 hours during the same calendar day or when a night's lodging is not required, the following maximum amounts, per meal is allowed.

Breakfast.....	\$1.75	<u>\$2.50</u>
Lunch.....	2.25	<u>\$3.00</u>
Dinner.....	6.00	<u>\$7.50</u>

(NOTE: As stated in Section 2.1 the head of an agency has the discretion of setting lower maximum rates.)

It is not necessary for such traveler to submit receipts with travel vouchers to support his Per Meal Allowance for food.

Regulation 7.3 of the "Travel Regulations for Legislative Employees" is amended to read as follows:

7.3 Meals at Conference -- When the cost of meals for approved seminars or official meetings is an integral part of the registration fee, the per diem traveler shall deduct the following amounts from the "cost of meals and other travel expenses" allowance and the traveler on "living expenses incurred" shall deduct the following amounts from his per meal allowance

- a. If breakfast is included in the registration fee.....~~\$1.75~~ \$2.50
- b. If lunch is included in the registration fee.....~~\$2.25~~ \$3.00
- c. If dinner is included in the registration fee.....~~\$6.00~~ \$7.50

(NOTE: Registration fees exceeding \$50 in amount are not properly reimbursed on travel vouchers but should be charged to contractual services.)

Regulation 7.5 of the "Travel Regulations for Legislative Employees" is amended to read as follows:

7.5 Per Diem --

- a. Per Diem Allowance -- The per diem allowance of ~~\$12.00~~ \$14.00 covers the cost of meals and incidental travel expenses. It is allowed only when the travel period is overnight or 18 hours or more.
- b. Computing Per Diem -- In computing the per diem allowance for continuous travel of more than 18 hours or when a night's lodging is required, midnight to midnight will be the unit.

For fractional parts of a day at the commencement or ending of such continuous travel constituting a travel period, one-fourth of the ~~\$12~~ \$14 allowance for a calendar day will be allowed for each period of 6 hours or fraction thereof. Such 6 hour periods commence at Midnight, 6:00 A.M., Noon and 6:00 P.M.

Midnight to 6:00 A.M.	\$3.00	\$3.50
6:00 A.M. to Noon	3.00	<u>3.50</u>
Noon to 6:00 P.M.	3.00	<u>3.50</u>
6:00 P.M. to Midnight	3.00	<u>3.50</u>
	\$12.00	<u>\$14.00</u>

Examples:

Mr. Jones leaves Springfield at 8:30 A.M. for Chicago after eating breakfast at home and returns to Springfield the same day at 9:30 P.M. having had lunch and dinner in Chicago. He has neither been gone more than 18 hours nor stayed overnight. He is therefore entitled only to meals. (\$3.00 + \$7.50).

Mr. Jones leaves Springfield at 6:30 P.M. to go to Chicago to make an evening speech. He returns to Springfield at 8:30 A.M. the next morning. He has not been gone 18 hours, but he has stayed overnight and therefore qualifies for per diem. He is entitled to reimbursement for three quarters of the per diem, or ~~\$9.00~~ \$10.50 (one quarter the first day, two quarters the second), plus the actual cost of hotel accommodations up to ~~\$19.00~~ \$25.00 plus tax.

1st Day	Midnight to 6:00 A.M.	\$--0-	\$ -0-
	6:00 A.M. to Noon	-0-	<u>-0-</u>
	Noon to 6:00 P.M.	-0-	<u>-0-</u>
	6:00 P.M. to Midnight	3.00	<u>3.50</u>
2nd Day	Midnight to 6:00 A.M.	3.00	3.50
	6:00 A.M. to Noon	3.00	<u>3.50</u>
		\$9.00	<u>\$10.50</u>

Mr. Jones leaves Springfield at 1:30 P.M. to go to Vienna and returns the next day at 9:30 P.M. He may claim 1 1/2 days per diem (6 quarters) or ~~\$18.00~~ \$21.00 plus the actual cost of hotel accommodations up to ~~\$15.00~~ \$19.00 plus tax.

1st Day	Midnight to 6:00 A.M.	\$--0-	\$ -0-
	6:00 A.M. to Noon	-0-	<u>-0-</u>
	Noon to 6:00 P.M.	3.00	<u>3.50</u>
	6:00 P.M. to Midnight	3.00	<u>3.50</u>

2nd Day	Midnight to 6:00 A.M.	3.00	<u>\$3.50</u>
	6:00 A.M. to Noon	3.00	<u>3.50</u>
	Noon to 6:00 P.M.	3.00	<u>3.50</u>
	6:00 P.M. to Midnight	3.00	<u>3.50</u>
		\$12.00	<u>\$21.00</u>

--ooOoo--

Dangerous Drugs Commission - Notice of Proposed Rulemaking
Amendments to Articles I & VI of the Rules and Regulations
for Drug Abuse Programs

The Dangerous Drugs Commission proposes to amend Articles I & VI of its Rules and Regulations for Drug Abuse Programs promulgated in accordance with Section 13 of the Dangerous Drug Abuse Act (Ill. Rev. Stats., 1975, Ch. 91½, Sec. 120.13). Under this proposal, Article VI has been entitled "Intervention Programs" to now include Early Intervention, Drug Analysis, and Alternatives services. The purpose of these proposed changes is to more specifically define the boundary between intervention services and outpatient drug-free services, as well as to develop operational standards for the delivery of these services. The proposed amendments to Article I add definitions to those new terms contained in the Article VI revisions.

The proposed amendments to Articles I and VI of the Rules and Regulations for Drug Abuse Programs were formulated, issued and adopted by the Dangerous Drugs Commission at its January 17, 1978 meeting. Interested persons wishing to present their views concerning this intended action may do so by sending written comments to the attention of:

Jean C. Kerst
Administrative Assistant
Dangerous Drugs Commission
300 North State Street, Suite 1500
Chicago, Illinois 60610

Two copies of all written materials shall be submitted. The Commission will consider all written comments received by the Commission within 45 days beginning on the date of publication of this Notice.

The text of the proposed amendments to Articles I and VI of the Commission's Rules and Regulations for Drug Abuse Programs, is as follows:

ARTICLE I - PROMULGATION

SECTION 2 DEFINITIONS

Rule 2.01 Terms defined

- A. As defined in these regulations, unless the context otherwise requires, the terms defined herein have the meanings ascribed to them in this section:

Abuse

See Drug Abuse.

Act

The Dangerous Drug Abuse Act, Chapter 91½, Section 120.1 et seq of Illinois Revised Statutes, and the rules and regulations promulgated thereunder.

Addict

Any individual who habitually uses certain mind-altering substances or intoxicants to the point of having developed a physical dependence on them. Ability to function and make judgments may be impaired to a greater or lesser degree.

Addiction

Physical dependence upon a drug; i.e., narcotics, barbiturates, and certain tranquilizers and stimulants. Indicators of addiction are the development of tolerance to increasing amounts of the drug to gain the same effect and characteristic symptoms of physical distress during the period of withdrawal when the use of the drug is discontinued abruptly.

Admission

The process of initiating services to an individual by a drug abuse program through the specified protocols. This may entail intake (as defined in this section), screening, processing and entrance into a clinic, as well as establishment of a service regimen.

Applicant

Any person who has applied to the Commission for a license or renewal thereof.

Application

The process through which a person applies for a license or renewal as outlined in the application procedures herein.

Audit

Any systematic review, inquiry or appraisal of procedures, operations and/or records involving analyses, tests, confirmations or proofs for the purpose of determining conformity with prescribed criteria.

Auditor

A Commission representative or third party detailed to perform an audit under competent authority, acting on behalf of the Commission or for the concerned person operating a program.

Chemotherapy

The prevention, treatment or management of psychological or physical disorders by the systematic administration of chemical drugs.

Client

A consumer of some portion of services provided by a treatment network; specifically, a registered participant in a drug abuse treatment program.

Clinic

A person who provides a drug abuse treatment service at a designated location, center or facility.

Clinical Procedure

A systematic set of services provided for the purpose of resolving an identified drug abuse problem of a client, to include interviewing, diagnosis, treatment planning, counseling, supportive services, activities and follow up.

Clinical record

The record established on entry in a program and kept on every client that contains the history of the individual's association with the program. This record shall include the medical and drug history, results of the physical examinations and laboratory tests, all other assessments, treatment plans, progress notes, medication records, and all correspondence dealing with the client.

Commission

The Illinois Dangerous Drugs Commission and its agents and representatives.

Compliance Officer(s)

Duly accredited Commission inspector(s) empowered to review records for the purpose of conducting compliance inspections pursuant to Federal and State regulations.

Contraband

Any substance, item, goods and/or materials obtained or possessed illegally. Nonprescribed intoxicants are considered contraband of themselves.

Controlled Substance

Any substance which is enumerated in: the schedules of Article II of the "Illinois Controlled Substance Act"; the schedules of Section 202 of the U.S. Public Laws 91-513, "Comprehensive Drug Abuse, Prevention and Controls Act of 1970"; the "Illinois Cannabis Control Act" enacted by the 77th General Assembly of the State of Illinois; or as amended heretofore or hereafter.

Counseling

A process based on a client/counselor relationship or group/counselor interaction for the purpose of identifying client problems and needs, setting mutually acceptable goals and interventions, exploring alternative solutions, and practicing new behaviors.

Dangerous Drugs

Any organic or synthetic substance or derivative which, when used, can result in physical and/or psychological addiction or dependence or which use may endanger the public morals, health, safety or welfare. Also means explicitly controlled substances and cannabis.

Data

Facts and information concerning administrative and operational procedures.

Day Care

See Transitional Care Program.

Dependent

Relying upon regular dosages of any substance to maintain a customary level of euphoria or inhibition of anxiety.

Detoxification

Administering or dispensing a substitute drug in decreasing doses to reach a drug-free state during a period not to exceed 21 days for methadone detoxification, in order to withdraw an individual who is dependent on heroin or other morphine-like drugs from the use of these drugs. In nonopiate dependency cases, nonmethadone detoxification may be accomplished by physicians, exercising their medical judgment, using dosages of an appropriate medication.

Dispensing Area

That area of the methadone treatment facility that meets minimal security criteria specifically utilized by the licensed practitioner to administer prescribed medication to program clients.

Drug Abuse

The use of a chemical substance which has mind-altering effects in a manner which interferes with one or more of the following: physical and emotional health, sound physical and emotional functioning, and educational or occupational performance.

Drug Dependence

State of reliance, either psychological, physical, or both, which may result from chronic, periodic or continuous use of a mind-altering drug or alcohol.

Drug Enforcement Administration (DEA)

United States agency responsible for enforcing Federal laws pertaining to controlled substances from a criminal jurisdiction and includes security of drug stocks.

Drug Program

Any structured activity designed to assist or restore an individual and remove any dependency on drugs by providing a variety of services, including but not limited to: counseling; medical, vocational and rehabilitative therapy; and legal assistance.

Drug Receipt Coordinator

A counselor or medical staff member designated by a drug abuse treatment program, who meets the requirements for registration to distribute controlled substances under the State Controlled Substances Act, and is approved by the Commission to receive suspected drug samples directly from a donor or inquirer for the purpose of forwarding the samples to a laboratory for analysis.

Early Intervention

Services provided to either high risk potential, or actual dangerous drug users to reduce the likelihood of further involvement with those drugs. These services may be flexible as to meet the needs and the life-styles of the target group, however there shall be a capacity to provide short-term counseling, and/or evaluative referral.

Executive Director

The Executive Director of the Illinois Dangerous Drugs Commission.

Facility

Same as Clinic.

Federal Authorities

United States agencies such as DEA, FDA, NIDA, SAODAP and/or their successor agencies.

Food and Drug Administration (FDA)

United States agency responsible for enforcing the Food, Drug and Cosmetic Act and monitoring the application of methadone.

Formal Agreement

A written contract, letter of agreement or any other document which defines the relationship between the program and another person.

Guideline

An optional standard of practice which is encouraged but not required. Guidelines appear in italics throughout these rules and regulations.

In-patient Program

A structure regimen within a licensed medical or psychiatric hospital where a client resides and is provided drug abuse treatment services.

Inspection

The act of: conducting interviews, record reviews, and physical observations at a program to assess the level of compliance with Federal and State rules and regulations; and performing qualitative program evaluations.

Intake

The process of collecting and evaluating information which may include medical examinations and medical, psychosocial and drug abuse histories to determine the appropriateness of admitting a prospective client into a drug abuse program.

Intervention

~~The provision of advertised services in response to situational problems. A program providing services which are usually short-term, problem-solving, and referral-oriented is considered to be an intervention program.~~

Investigation

The conducting of tests and evaluations by Commission investigators to assure compliance by applicants or licensees with the laws and regulations governing drug abuse functions licensed by the Commission.

Investigator(s)

Duly commissioned sworn personnel operating with Commission badge and credentials empowered to investigate all aspects of enforcement of the Act.

Is Recommended

A term used to indicate a method which is preferred though not mandatory.

Licensee

Any person licensed by the Commission.

Licensure

The issuance of a license by the Commission which authorizes the licensee to perform specific drug abuse services, as long as full compliance with the laws and regulations applicable to the performance of the services is maintained by the licensee.

Maintenance

The continued administering or dispensing of a recognized oral opiate substitute for heroin or other morphine-like drugs to an individual dependent on heroin, at relatively stable dosage levels for a period in excess of 21 days, in conjunction with the provision of appropriate social and medical services.

May

A term used in the interpretation of a standard, reflecting a permissible method that is recognized but not mandatory.

Mental Health Consultant

Person who by nature of mental health education, training or experience, is qualified to provide inservice training, case review supervision, and those supplementary psychological services that may be needed, in order to increase the skills, efficiency and quality of services provided by program staff.

Modality

That specific drug abuse program identifier or classification: i.e., central intake units; methadone clinics; out-patient, drug-free centers; residential units; transitional care facilities; or research projects involving human subjects.

National Institute on Drug Abuse (NIDA)

United States agency which has as its primary function drug abuse program development by funding drug abuse programs and establishing guidelines to recipients of the Federal funds.

Office of Drug Abuse Policy (ODAP)

A Federal Executive Office established in 1977 responsible for coordinating the activities of the several Federal agencies currently involved in drug abuse law enforcement and treatment.

Paraprofessional

A non-degreed individual who is experienced and trained to perform treatment and rehabilitative functions within a program.

Patient

Same as client.

Person

Any individual, government or governmental subdivision or agency, corporation, partnership, firm, business trust, estate, organization, or association acting individually or as a group.

Program

Same as Drug Program.

Protocol

The program document(s) which details the drug abuse services and modality the applicant intends to provide.

Public Accountant

An accountant who offers services professionally to the general public.

Readmission

The act of reinitiating services to an individual who previously had been provided services by the same drug abuse program.

Regulation

The general administrative regulatory category(ies) within which the licensing process occurs and with which both State licensing officials and local programs shall comply.

Rehabilitation

The restoration of a client to the fullest physical, mental, social, vocational and economic usefulness of which the client is capable. Rehabilitation includes but is not limited to medical treatment, occupational training, job counseling, social and domestic rehabilitation, and education.

Residential Program

A 24-hour, live-in, highly structured, well-supervised environment established to maximize the impact on clients for positive change. Chemotherapeutic elements may or may not be utilized.

Rule

A specific requirement enumerated within the respective regulatory category.

Shall

A term used to indicate a mandatory statement: the only acceptable method under Commission standards.

Should

A term used in the interpretation of a standard reflecting the commonly acceptable method, yet allowing for the use of effective alternatives when the standard can be shown to be inappropriate.

Single State Authority (Agency)

The Illinois Dangerous Drugs Commission as designated pursuant to Federal rules and regulations pertaining to methadone control and Public Law 92-255.

Standard

The individual element(s) that comprises a rule (printed in bold type).

Storage Area

A safe or vault specifically utilized to store controlled substances that meets minimal Federal and State security requirements. The dispensing area is considered a storage area during the preparation of medication and throughout dispensing hours.

Street Drug Analysis

Street drug analysis is an additional primary modality for licensure by the Commission. It is nonjudgmental preventive educational drug abuse program endeavor, designed to apprise active or potential drug users with an accurate qualitative assay of substances acquired through street contact and to develop further program associations and opportunities for counseling with the persons involved. One face-to-face contact between the submitter of the sample and the drug analysis program representative is required. The necessity for a second face-to-face contact will be at the judgment of the drug analysis program representative.

Subterfuge

Any plan or action employed to conceal the true person of interest for whatever reason.

Transitional Care Program

An intensive psychosocial, vocation and supportive follow-up service which is community-based and is readily accessible to persons eligible to participate in such a program. A transitional care drug abuse program shall provide advice, counsel, technical skills, and social services to further the individual's ability to live and work in the community without additional drug abuse treatment.

- B. In the case of terms not specifically defined herein, the meanings ascribed in Webster's New World Dictionary, 2nd College Edition, or subsequent revisions shall prevail.

Rule 2.02
to 2.99

Reserved

ARTICLE VI - EARLY INTERVENTION PROGRAMS (PREVENTION)
(Early Intervention, Drug Analysis, Alternatives)

SECTION 61 DEFINITION

An early intervention program is one which provides non-residential, non-clinical services to persons who have a high potential for becoming or are involved in the chronic or habitual use of chemical substances dangerous drugs and which advertises itself or is substantially engaged in the services described within this article Article. The purpose of an intervention program is to reduce the personal risks and social costs of drug abuse by the provision of early intervention, alternatives and drug analysis services.

Rule 61.01
to 61.99 Reserved

SECTION 62 DESCRIPTION-OF-SERVICES GENERAL

~~An early intervention program is one which engages in:~~

- A. ~~Direct or indirect contact with persons (as described in Section 61) for the purpose of providing advice or counsel regarding such persons' abuse or potential abuse of chemical substances. This may include telephone services, outreach worker programs, "drop-in" centers, or drug analysis services.~~
- ~~and/or~~
- B. ~~A service which directs persons (as defined in Section 61) to other professional services. This service may include referrals to medical, dental, legal, vocational, social, psychological, educational or substance abuse treatment providers.~~
- ~~and/or~~
- C. ~~The offering of a series of groups and/or individual activities which are designed to enhance the persons' (as defined in Section 61) capabilities to function in society without the abuse of chemical substances. These activities are generally labeled as "alternatives" or coping and skill development workshops or groups and may include activities as diverse as camping, yoga, vocational or educational counseling, the development of employment opportunities, or the improvement of employment skills.~~

Rule 62.01
to 62.99 Reserved

Rule 62.01 Modality Applicability

- A. The regulations and guidelines presented in this section are general and apply to Early Intervention, Alternatives, and Drug Analysis programs.
- B. The regulations and guidelines presented in Sections 63, 64, and 65 are modality specific and are in addition to the regulations and guidelines in Section 62.

Rule 62.02 Application Requirements/Exceptions

All programs shall submit, as part of the license application, information required under Section 22 with the exception of Section 22.01, A, 2(f), (g), (h), (i), (l); Section 22.01, B; and Section 22.01, D. In addition, all programs shall submit a complete description of service activities including the following:

- A. Statement of Purposes and Goals
- B. Basic Operational Methods and Procedures
- C. Project Components
- D. Staffing Pattern
- E. Description of In-Service Training Component
- F. A Definition/Delineation of the Target Group(s)

Rule 62.03 Capacity

Every program shall maintain a service capacity consistent with the types of services provided, facility size, and staffing patterns.

Rule 62.04 Service Availability

Program services shall not be misrepresented. The program shall provide all advertised services during advertised hours. Appropriate staff shall be available either at the facility or on call during normal operating hours.

Rule 62.05 Program Records

A program shall maintain a record system adequate to document the delivery of the various services being provided. Where a program has identifiable participants, such records shall be individually oriented and shall specify services provided and individual responses. Where services are provided to participants not identified by name or groups of consumers, a logging system of services delivered shall be maintained.

Rule 62.06 Program Internal Assessment

A program shall develop and implement a modest plan for ongoing internal assessment of the effectiveness of its program. Such a plan shall include an adequate system of receiving participant and community response to services provided. Information received through this system shall be reviewed at least annually by the program's administrative staff and/or board of directors. The plan and results of the review shall be made available, upon request, to the Commission.

Rule 62.07 Use of Volunteers

Volunteers shall be screened for suitability and competency with respect to their prospective function and shall be provided with appropriate training and supervision. A recruitment, screening, and training plan shall be formulated and made available, upon request, to the Commission.

Rule 62.09 Procedures Manual

A program shall develop a manual of its internal operating procedures. The procedures shall specify all administrative and clinical policies of the program and shall include by-laws and minutes of the corporation and any other rule or regulation or custom bearing on the program's operation. The manual shall be updated at least annually and the staff and board review of the update recorded.

Rule 62.10
to 62.99 Reserved

SECTION 63 STANDARDS (EARLY INTERVENTION)~~Rule-63.01~~ Program-statement

~~All-programs-shall-submit-in-narrative-form-a-complete-description-of-service-activities,-including-the-following:~~

- ~~A. Statement-of-purposes-and-goals~~
- ~~B. Basic-operational-methods-and-procedures-~~
- ~~C. Project-components~~
- ~~D. Staffing-pattern~~
- ~~E. Description-of-in-service-training-component~~
- ~~F. A-definition/delineation-of-the-target-group(s)~~

An Early Intervention program is one which provides drug abuse problem assessment, referral, and/or short-term counseling services to experimental drug users and episodic drug abusers to resolve personal and/or interpersonal problems in an effort to halt the progression to chronic drug abuse. These services may be provided at the facility site, in the community, or by telephone. Drug abuse early intervention components may be included in such services as crisis centers/hot lines, youth service bureaus, drop-in centers, school counseling programs, and outreach programs.

Rule 63.01 Referral Agreements

An Early Intervention program shall have referral agreements with qualified providers of medical and psycho/social services.

~~Rule-63.02~~ Hours-of-operation

~~The-hours-of-operation-shall-be-during-periods-which-make-the program's-services-reasonably-available-to-the-client.--The program's-hours-of-operation-shall-be-displayed-conspicuously and-communicated-to-the-general-public-as-appropriate.~~

Rule 63.02 Resource Listing

An Early Intervention program shall maintain a current list of qualified referral resources.

~~Rule 63.03--Capacity-~~

~~Every program shall estimate its approximate service capacity in terms consistent with services to be offered, facility size, and staff or volunteer patterns.--Such information shall be made available to the Commission.~~

Rule 63.03 Admissions, Exclusions and Terminations

An Early Intervention program shall have written procedures that assure the prompt assessment of both the physiological and psychological status of the drug using individual so that the most appropriate intervention services may be provided. Further, the program shall have written criteria for admission, exclusion, and termination. Such criteria shall be submitted to the Commission in the license application.

~~Rule 63.04 Service availability~~

~~Program services shall not be misrepresented.--The program shall be ready to provide all advertised services during advertised hours.--Appropriate staff shall be available either at the facility or on call during normal operating hours.~~

Rule 63.04 Records

An Early Intervention program shall maintain records to document staff contacts. This may be accomplished through a staff activity log when contact is sporadic or on an outreach basis or through an individually oriented client record system when the individual is involved in regular counseling activities.

~~Rule 63.05 Program records~~

~~All programs shall maintain records adequate to the types of services being provided.--Where a program has identifiable participants, such records shall be individually oriented and should specify services provided and individual accomplishments.~~

Rule 63.05 Individual Intervention Plans

Individual Intervention Plans shall be developed at the point a program participant in conjunction with the counselor identifies a specific drug use/abuse problem and requests intervention services. These individual plans shall include:

- A. A review of the history and presenting problem
- B. A statement of intervention goals generated by both staff and client
- C. The assignment of a primary counselor
- D. A delineation of the type and frequency of services to be provided including counseling

Rule-63.06 Program-internal-assessment

~~A-program-shall-develop-and-implement-a-modest-plan-for-ongoing internal-assessment-of-the-effectiveness-of-its-program.--Such a-plan-shall-include-some-adequate-system-of-receiving-client and-community-response-to-services-provided.--Information received-through-this-system-shall-be-reviewed-regularly-by-the-program's-internal-supervising-authority.--The-results-of the-review-shall-be-recorded-and-maintained.--The-plan-is-subject-to-review-by-the-Commission.~~

Rule 63.06 Mental Health Consultation

At least two hours per month of professional mental health consultation shall be provided. The purpose of this consultation is to provide assistance to staff in case management and in-service training.

Rule 63.07
to 63.99 Reserved

Rule-63.07--Use-of-volunteers

~~Volunteers,--when-used,--shall-be-screened-for-suitability-and competency-with-respect-to-their-prospective-function-and-shall be-provided-with-appropriate-training-and-supervision.~~

Rule-63.08 Procedures-manual

A-program-shall-develop-and-maintain-a-manual-of-its-internal operating-procedures.--The-procedures-shall-be-sufficiently-clear-to-be-easily-understood-and-provide-sufficient-detail-to accurately-reflect-all-administrative-or-clinical-policies-of the-program.--The-manual-shall-be-updated-every-six-months-and the-staff-review-of-the-update-recorded.

Rule-63.09 Staffing-

All-programs-shall-maintain-sufficient-qualified-staff-or-staff in-supervised-training-to-provide-the-advertised-services. Such-staff-shall-be-sufficient-in-number-to-avoid-extensive delays-in-receiving-services.--In-all-cases,-there-shall-be-a minimum-of-one-designated-person-responsible-for-the-activities of-the-program.

63.10 Methods-to-be-utilized

Programs-may-utilize-any or-all-the-following-guidelines-or develop-other-guidelines-which-are-appropriate-to-the-services being-provided:

- A. Programs-may-allow-participants-to-define-their-own-needs.
- B. Programs-may-encourage-peer-group-identification-in-ways which-allow-peer-groups-to-emerge-rather-than-being-constructed-by-program-personnel.
- C. Programs-may-strive-to-become-community-based,-self-sustaining-units-who-keep-contacts-wit--community-groups and-serve-as-a-reminder-of-or-an-assistant-in-alleviating community-problems.

Rule-63.11

to-63.99 Reserved

NOTICE

Notice by the Illinois Department of Revenue of the proposed amendment of the coin-operated amusement device tax rules as they pertain to coin-operated amusement tax devices.

DESCRIPTION OF THE SUBJECT MATTER AND
ISSUES INVOLVED

These changes would make clear that (1) the tax is measured by each coin-receiving slot, and (2) the fractional year tax is calculated by computing one-half of the annual tax for each month or fraction thereof of the license year, plus 10% of that sum.

STATUTORY CITATION

Illinois Revised Statutes, Ch. 120, para. 481b.1 et seq., of the Coin-Operated Amusement Device Tax Act.

Amend Rule No. 1 as follows:

Rule No. 1

NATURE AND SCOPE OF THE TAX

1. NATURE AND AMOUNT OF THE TAX.

The Act imposes an annual privilege tax on the privilege of operating, in this State, every coin-in-the-slot-operated amusement device which returns to the player thereof no money or property or right to receive money or property. ~~The amount of the tax is \$10.00 per year for each coin-operated amusement device.~~ The amount of the tax is \$10.00 per year for each coin-receiving slot.

The license tax payable with respect to any amusement device must be remitted to the Department of Revenue with the application for license for such device. The remittance should be made payable to the Department of Revenue.

~~The amount of the fractional year license tax is one-half of the annual license tax, or \$5.00, plus 10% (50¢), making a total of \$5.50.~~ The amount of the fractional year tax shall be computed at a cost of 1/12 of

the yearly license tax for each remaining month, or fraction thereof remaining in the license year, plus 10% of such sum as is computed to be due for a fractional year license. The added 10% does not apply to a full year license.

2. ILLUSTRATIONS OF TAXABLE AND NONTAXABLE DEVICES.

(a) Taxable Devices

To be taxable, the device must be coin-operated, and it must be an amusement device. However, if an otherwise taxable amusement device is equipped to be operated by means of the insertion of coins, it is the Department's position that such device does not cease to be a taxable device because of the fact that the operator thereof has his customers pay for the use of such device at the bar or in some other way which avoids the use of the coin receptacle.

Also, to be taxable, the device cannot be a gambling device and so cannot return, to the player, money or property or the right to receive money or property.

An amusement device is a device which is played primarily for amusement or entertainment rather than for the purchase of some specific commodity or service. Every kind of coin-operated amusement device, which does not return money or property or the right to receive money or property to the player, is subject to the tax. Therefore, the tax applies not only to coin-operated pinball machines, gun-ray devices and shuffleboards (as it did prior to August 1, 1963), but also (commencing August 1, 1963) to coin-operated hockey games, baseball games, horse racing games, gun games of all kinds, pool games, mechanical pony rides and other similar devices, juke boxes, fortunetelling machines and anything else which comes within the foregoing definition of a coin-operated amusement device.

(b) Nontaxable Devices

The tax does not apply to a coin-operated device maintained by a public utility for furnishing public utility service (such as telephone service). The tax does not apply to any coin-operated device which is designed and used strictly as a means of vending merchandise or service. For example, this tax does not apply (among other things) to cigarette, soft drink and other merchandise vending machines, nor to coin-operated scales which merely provide information concerning a person's weight, nor to coin-operated machines which merely provide the customer with a photographing service, nor to coin-operated machines which merely provide a laundry or dry cleaning service.

The tax does not apply to gambling devices.

The tax does not apply to a coin-operated amusement device which would otherwise be taxable where the person operating such device is a private club or organization, and where such club or organization restricts the displaying of the amusement device to its membership and such device is not displayed in such a manner as to be accessible to the public. The exemption described in the preceding sentence arises from the fact that the Act is worded so that it applies only to the displaying of coin-operated amusement devices where such devices are "to be played or operated by the public". However, a private club or organization cannot be established for the purpose of displaying such amusement devices and thus evade the licensing requirements of the Act.

Amend Rule No. 2 as follows:

Rule No. 2

LICENSES

1. APPLICATIONS FOR LICENSES.

Every person, firm or corporation displaying any taxable amusement device to be played or operated by the public at any place owned or leased by such person, firm or corporation shall, before displaying such device, file with the Department of Revenue an application for license for such device. The application must be signed by the taxpayer and sworn to. The applicant should answer all questions and give all the information required on the application form. The application must be made on a form prescribed by the Department.

The application must be accompanied by the license tax. A separate application must be filed and a separate license obtained for each taxable unit.

2. WHO MAY BE LICENSED.

The person who is required to apply for the license is the person who displays the taxable device to be played or operated by the public at a

place owned or leased by such person, regardless of whether such person is the owner of such device or not. There is no exemption from the taxing and licensing requirements of the Act because of the fact that the operator of the coin-operated amusement device is a not-for-profit organization.

3. ISSUANCE OF LICENSES--TRANSFERABILITY.

Upon receipt of an application for license in proper form, together with the applicable license tax, the Department will issue the proper license tag to the applicant. The license must be securely affixed to the device for which it is issued and must be conspicuously displayed. A license is transferable from one amusement device to another amusement device operated by the same licensee or from one address to another address of a licensee, provided that the Department is promptly notified of such transfer on a transfer form which the Department will make available on request for this purpose.

However, no license is transferable from one person to another. For example, a license could not be transferred from one individual to another; from one partnership to another; from one corporation to another; from an individual to a partnership or to a corporation (even though the individual is one of the partners or owns the stock in the corporation); from a partnership to an individual or to a corporation (even though one of the partners is the individual or the partners own the stock in the corporation), or from a corporation to a partnership or to an individual. Each of these entities (i.e., each individual, each partnership and each corporation) is a different legal person. Similarly, a receiver, trustee in bankruptcy, administrator, executor, conservator or other legal representative appointed by a Court is a different legal person from the person (or the person's estate) to whose assets such legal representative succeeds.

4. FRACTIONAL YEAR LICENSES.

The license year commences August 1 and ends the following July 31. ~~A license may be issued for a fraction of a year, but not for less than half a year, or 6 months. Even a fractional year license will end on the ensuing July 31. A fractional year license cannot be issued for one or more months ending with some date other than July 31. Therefore, if the license is applied for at any time from August through January in a given license year, a full year's license fee of \$10.00 must be paid.~~ A license may be issued for any fractional portion of a license year, but not less than a month. Even a fractional year will end on the ensuing July 31. A fractional license year cannot be issued for one or more months ending with some date other than July 31.

5. REVOCATION OF LICENSE.

The Department is authorized, after notice and a hearing, to revoke any license upon a finding that there has been a violation of the Act.

6. OTHER PENALTIES.

Displaying a taxable amusement device without payment of the proper tax subjects the offender to a monetary penalty of 20% of the tax payable and also constitutes a misdemeanor for which the offender can be prosecuted.

Also, any coin-operated amusement device which is operated in a manner which violates any provision of the Act is subject to seizure and confiscation and forfeiture in accordance with the provisions of the Act.

TIME, PLACE AND MANNER IN WHICH ALL INTERESTED
PERSONS MAY PRESENT THEIR VIEWS CONCERNING THE
PROPOSED AMENDMENTS TO COIN-OPERATED AMUSEMENT
DEVICE TAX RULES NO. 1 AND 2

Comments must be in writing, and may be filed either in person or by mail at the following address:

Illinois Department of Revenue
Legal Division
Room 220, 1500 South Ninth Street
Springfield, Illinois 62708

The Department's offices are open from 8:15 a.m. to 4:45 p.m., except for weekends and State holidays.

NOTICE

Notice by the Illinois Lottery Control Board of the proposed amendment of a lottery rule pertaining to business location.

DESCRIPTION OF THE SUBJECT MATTER AND
ISSUES INVOLVED

In order to decrease the number of routine license reissues where no change in agent identity has taken place, it has been proposed to delete the requirement for re-registration arising out of a change in business location where all of their factors remain unchanged.

STATUTORY CITATION

Illinois Revised Statutes, Ch. 120, para. 1151 et seq., of the Illinois Lottery Law.

Amend Rule No. 8 as follows:

Rule No. 8

NONTRANSFERABILITY OF LICENSE

The Division shall be notified in writing at least 30 days prior to any proposed business change or substantial change in ownership thereof. A substantial change in ownership under this rule means a transfer of 50% or more of the equity of any business licensed pursuant to these rules. If the business to which a license is issued changes its ~~business-location~~ ~~or~~ business name, that license terminates as of the date of the change, and a new application for a license shall be made. Every change of business location or business name shall be reported in writing to the Superintendent at least 30 days prior to the change.

The Superintendent shall also be notified if any change in ownership results in ownership by a person or legal entity prohibited by Rule No. 2.

TIME, PLACE AND MANNER IN WHICH ALL INTERESTED
PERSONS MAY PRESENT THEIR VIEWS CONCERNING THE
PROPOSED AMENDMENT TO LOTTERY RULE NO. 8

Comments must be in writing, and may be filed either in person or by mail at the following address:

Lottery Control Board
Room 2000
160 North LaSalle Street
Chicago, Illinois 60601

The Board's offices are open from 8:30 a.m. to 5:00 p.m., except for weekends and State holidays.



ALAN J. DIXON
Secretary of State

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